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United Nations reform: measures and proposals

United Nations reform: measures and proposals

Note by the Secretary-Gener[illegible]

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254. The report is based on proposals made by a variety of stakeholders (treaty bodies, States, United Nations entities, civil society and national human rights institutions) in the context of some 20 consultations that have taken place between 2009 and 2012.

Please recycle

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List of acronyms in alphabetical order

CAT	Committee against Torture
CCD	Common Core Document
CED	Committee on Enforced Disappearance
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
CM	Chairpersons Meeting
CRC	Committee on the Rights of the Child
CRC-OPAC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRC-OPIC	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
CRC-OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography
CRPD	Committee on the Rights of Persons with Disabilities
DCM	Division of Conference Management
ECOSOC	Economic and Social Council
HR Committee	Human Rights Committee
HRTD	Human Rights Treaties Division
ICM	Inter-Committee Meeting
LOIPR	List of Issues Prior to Reporting
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
SNRCM	Standing national reporting and coordination mechanism

SPT	**Subcommittee on Prevention of Torture**
SRP	**Simplified Reporting Procedure**
TB	**Treaty Body**
UHRI	**Universal Human Rights Index**
UNCT	**United Nations Country Team**
UNOG	**United Nations Office at Geneva**
UPR	**Universal Periodic Review**

Foreword by the Secretary-General

The United Nations human rights treaty body system, which combines noble ideals with practical measures to realize them, is one of the greatest achievements in the history of the global struggle for human rights. The treaty bodies stand at the heart of the international human rights protection system as engines translating universal norms into social justice and individual well being. Using a growing set of tools, this system provides authoritative guidance on human rights standards, advises on how treaties apply in specific cases, and informs States parties of what they must do to ensure that all people enjoy their human rights.

The incremental growth of the system over the past few years, with the adoption by States of new human rights instruments and the creation of new treaty bodies for their effective realization, is testimony to their global standing. All parties benefit from their work. Victims reach out to treaty bodies for redress and reparation through the individual complaints system. Governments depend on them for a greater understanding of their obligations under international human rights law. And the involvement of experts, civil society groups and government representatives in reporting and other processes generates a genuine dialogue at the national level that empowers individuals and improves laws, policies, programmes and institutions.

The strong global consensus on the need to ensure the continued relevance and vitality of the treaty bodies is reflected in the pages that follow, which summarize a three-year-long process of reflection and consultation among all key stakeholders. I commend the dedication of those who contributed to this process, as well as the leadership of the High Commissioner in ensuring a valuable report with concrete proposals aimed at creating a more efficient and inclusive system of independent expert review and guidance on the implementation of international human rights standards.

Not long ago, slavery, racism, torture and other abuses of human rights were accepted practices. The fact that these have been outlawed on paper is testament to the activism of the human rights community – and the task of eradicating them in practice will be greatly advanced by serious consideration of the proposals in this report. Now that this text has been so meticulously compiled, it is up to governments, human rights activists and others to make the best possible use of it. I hope this report reaches a wide global audience and inspires even further steps to strengthen the United Nations human rights treaty body system, which is so integral to global progress.

BAN Ki-moon
United Nations Secretary-General
June 2012

Introduction

During the first year of my tenure (starting in September 2008), I had the privilege to meet a significant number of States' representatives and with all United Nations human rights treaty bodies. Many States expressed frustration in dealing appropriately with the multiple reporting obligations to which they had committed. In addition to reporting under the international human rights treaties these include for example reporting obligations under the Universal Periodic Review process (UPR) and several ILO conventions. Nearly all treaty bodies expressed deep dissatisfaction at the number of obstacles that limit their capacity to properly discharge their mandate, including lack of meeting time to review the growing number of States parties' reports and individual communications and the resulting backlog in their consideration, lack of timely translation of documents and the insufficient number of OHCHR staff supporting their work.

The establishment of the human rights treaty bodies and the evolution of the treaty body system is one of the greatest achievements in the efforts of the international community to promote and protect human rights. Treaty bodies are custodians of the legal norms established by the human rights treaties.[1] Based on their legal commitments under the core international human rights treaties, States parties report periodically to the treaty bodies, which review legislation and policies and advise States on ways to achieve better compliance with human rights obligations. The reporting process was designed to be continuous and dynamic. States created the treaty body system and are the primary beneficiaries of its work. They bear the responsibility for implementing the substantive provisions of human rights treaties and ensuring that the system has a positive impact on the enjoyment of rights by individuals at the national level.

To meet its objectives the reporting process should involve broad-based participation at the national level in the preparation of reports and follow-up to recommendations. Regular periodicity of the reporting process and the national discussions and debates that should accompany the preparation and follow-up of reports is crucial to ensure the effective protection and promotion of human rights. Importantly, full compliance with reporting obligations facilitates continual follow-up and a focus on implementation. Treaty body recommendations and general comments frequently constitute early warning and implementation guidance tools for States, provide an advocacy platform for national human rights institutions and civil society, and contribute to a strong substantive basis for the UPR and the work of the Special Procedures. The competence of treaty bodies to receive and consider individual communications provides a framework for the direct protection of individuals and groups, as well as the development of dynamic human rights jurisprudence.

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[1] See for example: Christof Heyns and Frans Vijoen, *The Impact of the United Nations Human Rights Treaties on the Domestic Level*, (Kluwer Law International, The Hague, 2002), p. 648. A few more specific studies exist on single treaties, such as *What Happened? A Study on the Impact of the Convention on the Rights of the Child in Five Countries: Estonia, Nepal, Peru, Uganda and Yemen*, Save the Children, 2009; *Report of the Study on the Impact of the UN Convention on the Rights of the Child* (UNICEF Innocenti Research Centre, 2004). On impact of treaty bodies' individual communications procedures, see *Committee on International Human Rights Law and Practice of the International Law Association*, Final report on the impact of findings of the United Nations human rights treaty bodies (2004) or *From Judgment to Justice: Implementing International and Regional Human Rights Decisions* (Open Society Justice Initiative — Open Society Foundations, 2011).

In fulfilling their important functions in an independent manner, the treaty bodies guarantee a non-selective approach and equal emphasis on all human rights. The expert and normative nature of the treaty body system shields it from charges of politicization. The accuracy, relevance and quality of the recommendations of treaty bodies are crucial attributes that must be maintained and enhanced so that they can be used effectively by all stakeholders to promote improvements at the national level.

Currently, however, only 16% of States parties report on time[2]; and even with this low compliance rate, four out of nine treaty bodies with a reporting procedure are facing significant and increasing backlogs of reports awaiting consideration. Several regularly make requests to the General Assembly for additional meeting time. For example, in relation to addressing the backlog of individual communications pending review, the Human Rights Committee will request translation of additional documentation and staffing at the General Assembly's sixty-seventh session to allow it to deal with some 140 communications.[3]

The treaty body system is surviving because of the dedication of the experts, who are unpaid volunteers, the support of staff in OHCHR and States' non-compliance with reporting obligations. However, at a time when human rights claims are increasing in all parts of the world, it is unacceptable that the system can only function because of non-compliance. A weak treaty body system has a far-reaching detrimental effect in relation to its immediate beneficiaries, but it also affects the United Nations human rights machinery as a whole, including the Human Rights Council's Universal Periodic Review, as well as the global human rights movement.

In late 2009, I called upon all stakeholders to embark upon a process of reflection on ways to strengthen the treaty body system. I did so, based on the mandate given to me by General Assembly Resolution 48/141 to "rationalize, adapt, strengthen and streamline the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness".

The ultimate objective of this process was to take stock of the challenges and improve the impact of treaty bodies on States parties and individuals or groups of individuals at the national level by strengthening their work while fully respecting their independence. The underlying principled approach of this process was consultation with all actors in the system.

The process sought to heighten awareness among all stakeholders of the challenges facing the system and to stimulate the formulation of concrete suggestions on how to address these challenges. In this context, I have attempted to highlight the importance of viewing treaty bodies as a system, including by the treaty bodies themselves. The process sought to bring about gradual improvements and harmonization of working methods of the treaty bodies and OHCHR in its support for their work. Most importantly, the process aimed at identifying what would constitute the necessary resources to support the work of the treaty bodies adequately. In the face of current financial challenges, it also sought to identify cost-saving opportunities. However, I cannot overemphasize the fact that despite the savings that may be possible, what was absolutely made clear through the process is that the approach of absorbing new mandates within existing resources is not sustainable.

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[2] This figure is based on a calculation of reporting during the 2010-2011 biennium.

[3] With estimated cost implications of $7.5 million in conference services (translation and other related documentation costs) and $1,200,000 in staff costs.

The treaty body strengthening process benefitted from some twenty consultations that took place around the world among different actors, including treaty body experts, States parties, national human rights institutions, civil society and United Nations entities. That most of these consultations were organized by external partners reflects the multi-stakeholder nature of treaty bodies. To make the process fully transparent and dynamic, the outcomes of these consultations and all written submissions by States, treaty body members and civil society were made public on a dedicated page on my Office's website.

The treaty bodies themselves contributed many ideas during the process, including through the comprehensive Dublin II (November 2011) outcome document. This was signed by all treaty body chairpersons in their individual capacities. The general thrust of this document was endorsed by six treaty bodies (CRC, CRPD, CMW, Human Rights Committee, CED and the SPT), as well as many individual treaty body experts. In this context I wish to express my appreciation for the dedication of experts who work as pro bono volunteers to achieve demanding tasks requiring inter-sessional commitments.

A consultation with States on 2 and 3 April 2012 in New York and previous events for States in Geneva on 7 and 8 February 2012 and in Sion on 12 and 13 May 2011 generated high participation, rich discussions and stimulated numerous views. As for civil society actors, their participation in the consultation process equally reflected their long-standing established cooperation with all treaty bodies.

The treaty body strengthening process has fully engaged all stakeholders, concentrating minds on the issues and stimulating rich, creative and serious discussions on critical issues related to the functioning of the treaty body system, its requirements, impact and future. The process aimed at "strengthening" rather than "reforming" the treaty body system. Lessons learned from previous reform initiatives have led me to base this process on the premise that the legal parameters of the treaties should not be altered. The process has unfolded in a spirit of commitment, transparency, participation, technical soundness and inclusiveness.

A wealth of material and ideas surfaced, all of which cannot be incorporated in this report. All contributions, including the full text of all submissions by States, are available in the public domain[4] and I encourage the two key decision-makers (States parties and treaty bodies) to draw on this immense resource to continue the strengthening efforts. Accordingly, the objective of this compilation is to identify synergies, linkages and areas for mutual reinforcements, and potential for future common ground that began to emerge through the consultation process. In identifying the proposals to be included in my report, I have applied the following criteria: proposals must respect the treaties and not require treaty amendments; they must have been considered by the various stakeholders during the consultation process and bear a likelihood of generating the largest possible agreements; they must be compatible with and implementable alongside other proposals with a view to providing a coherent vision for the future of the treaty body system; and, most importantly, each proposal must contribute to strengthening the treaty bodies and provide for enhanced promotion and protection of human rights.

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[4] OHCHR website at: http://www2.ohchr.org/english/bodies/HRTD/index.htm.

The key proposals compiled in this report include:

- Establishing a comprehensive reporting calendar ensuring strict compliance with human rights treaties and equal treatment of all States parties;
- Enhancing independence and impartiality of members, and strengthening the election process;
- Establishing a structured and sustained approach to capacity building for States parties for their reporting duties;
- Ensuring continued consistency of treaty body jurisprudence in individual communications;
- Increasing coordination among the treaty bodies on their work on individual communications and their adoption of common guidelines on procedural questions;
- Increasing accessibility and visibility of the treaty body system, through webcasting of public meetings and use of other new technologies;
- A simplified focused reporting procedure to assist States parties to meet their reporting obligations with cost savings for them and the UN while maintaining the quality of the process;
- Alignment of other working methods to the maximum extent without contradicting the normative specificities of the treaties;
- Limitation of the length of documentation.

In addition to the tasks my Office will undertake, each segment of the report addresses recommendations to stakeholders, namely treaty bodies, States parties, national human rights institutions, civil society and United Nations entities, where appropriate. Each of the recommendations is implementable independently, but if taken together as a "package", they would be mutually reinforcing and thus would have much greater impact.

I welcome the opportunity offered by General Assembly resolution 66/254 dated 23 February 2012 for the outcome of the consultation process to inform the decisions that will be made within the General Assembly especially on funding. Since the launch of this process in 2009, I always have envisaged the need for decision making by the relevant stakeholders in their respective areas of responsibility. I trust that this inter-governmental process will embrace a multi-stakeholder approach, respect the powers of the treaty bodies to decide on their own working methods and rules of procedures, and guarantee their independence as defined in the respective treaties. I am confident this report offers a solid basis for informed decision-making by all stakeholders. The commitment of States parties and treaty bodies is now required to make this proposed "package" of recommendations work.

I am counting on all actors of the system for their full support in reaching our common goal of achieving an effective human rights treaty body system.

Section 1: A vision for the future of the treaty body system

An effective and sustainable treaty body system contributing to a national debate and international dialogue through predictable, periodic, non-politicized, non-discriminatory and expert-led independent review of the implementation of legally binding treaty obligations by States, harmonized with other human rights mechanisms, namely, the Special Procedures and the Universal Periodic Review, and enhancing the protection of human rights for all.

For many stakeholders it seemed almost impossible to conceive of a fully functioning treaty system when the treaty body strengthening process was launched. Many limitations were accepted as inevitable and previous attempts at radical reform had garnered little support. Discussions continued nonetheless in light of the serious commitment of States and treaty body experts, and with equally useful inputs from NHRIs, civil society, UN partners and academics, a wealth of ideas was generated. This offers a glimpse of what the treaty body system could become.

The vision I have grounded in the treaties themselves, is nothing less than the operationalization of the principles of the universality and the indivisibility of human rights as well as the States' primary responsibility to ensure the implementation of these principles. This requires that States ratify treaties, but, more importantly, implement them. It also requires a strong treaty body system conducting regularly periodic, non-politicized, non-discriminatory and expert-led independent reviews of all States parties, without selectivity or double standards, in line with their legally binding obligations to realize human rights for all, and enhancing the protection of individuals and groups alleging violations of their rights. In the future, I am certain that such a system will have considerable multiplier effects that reach far beyond the treaty bodies. I see it strengthening the engagement of States with the entire international human rights machinery. This vision is of an end to ad hoc solutions and the introduction of a sustainable system, once and for all.

At the national level, I see a process taking place that for many States parties means a significant improvement in the way they engage with and benefit from the treaty bodies. Each State party, aware of all its reporting obligations under the treaties, will be encouraged to systematize its preparation of those reports through the establishment or the reinforcement of a standing national reporting and coordination mechanism at the national level, and will be able to pace its work rationally, including on the vital national consultations that bring the reporting process to life and give it its true essence by providing the opportunity for self-assessment, policy review and a sustained system of constructive national dialogue.

With a realistic workload, these national mechanisms, however modest they may be, will see their capacity and institutional memory gradually strengthened. They will soon identify the inter-linkages between the treaties, and with more experience, they will over time see where information compiled for one report will serve in the preparation of another. As it is certain that in the next report due they will need to seriously analyse their progress and the challenges with respect to implementing previous recommendations, these national mechanisms will increasingly find it useful to monitor actual implementation in the intervening period. By taking advantage of the streamlined reporting made possible under the new procedures suggested in this report, they will find the preparation of future periodic reports increasingly more focused and thus less burdensome to prepare. With the reports due in most years having the highest possible correlation between them, the preparation of one report will help in the preparation of the other due the same year. This would represent a significant paradigm shift from a "reporting burden" or a "bureaucratic exercise" to what reporting was meant to be: an opportunity for national debate, a tool for regular policy review and an occasion to benefit from good practices and advice at the international level. States can seek technical cooperation support from the United Nations regarding their reporting obligations if they so need.

Once established or reinforced, the national reporting and coordination mechanisms will take on a life of their own. Over time, States parties will see the utility of having these mechanisms be entrusted to respond to the full range of permanent and ad hoc reporting obligations, including under the Universal Periodic Review procedure of the Human Rights Council, the requests emanating from the special procedures of the Council, and eventually also the regional bodies. This will help States enhance the coherence of the information they present and the benefit derived from adherence to the international human rights treaties.

Because the deadlines and processes are publicly known well in advance, other contributors to the treaty reporting processes will be able to better organize their preparations earlier on. Civil society, when apprised of the treaty body procedures and given the opportunity to participate via videoconferencing and webcasts, has proven to be an invaluable partner not only for the treaty bodies but also for States, even when their role is to critically assess States' policies and legislations.

At the same time, another national dynamic which would be encouraged would address the membership of the treaty bodies, which is their greatest asset. In each State party individuals interested in contributing to the treaty bodies' knowledge and experience would be able to present themselves as candidates to a competent national authority for consideration. A transparent national process of merit-based selection coupled with an open public space for all States parties to present their potential candidates or nominees, guided by criteria on the independence and impartiality of members will ensure that the candidates nominated meet such criteria and will be of the highest calibre.

These members would come together regularly for sessions of their Committees, working at optimal efficiency, focusing on the key, central questions for each State party. I see their work based on accurate, up-to-date information contained in States parties' reports that are being reviewed shortly after their submission. The treaty bodies would progress on their examination of implementation of their respective treaties by State parties', so that over five years, all States parties will have been examined.

The stronger treaty body system constructed through this process will effectively and efficiently bring relief to individual victims of violations through the communications procedures. No longer tolerating the denial of justice through long delays, the treaty bodies will deliver their findings to complainants and States parties promptly. Their findings will be coherent, take into account the interdependence of all human rights and propose concrete recommendations to States that will not only provide an individual remedy but also improve the protection of human rights at the national level, as their case law is widely disseminated and thus easier to use to develop national standards.

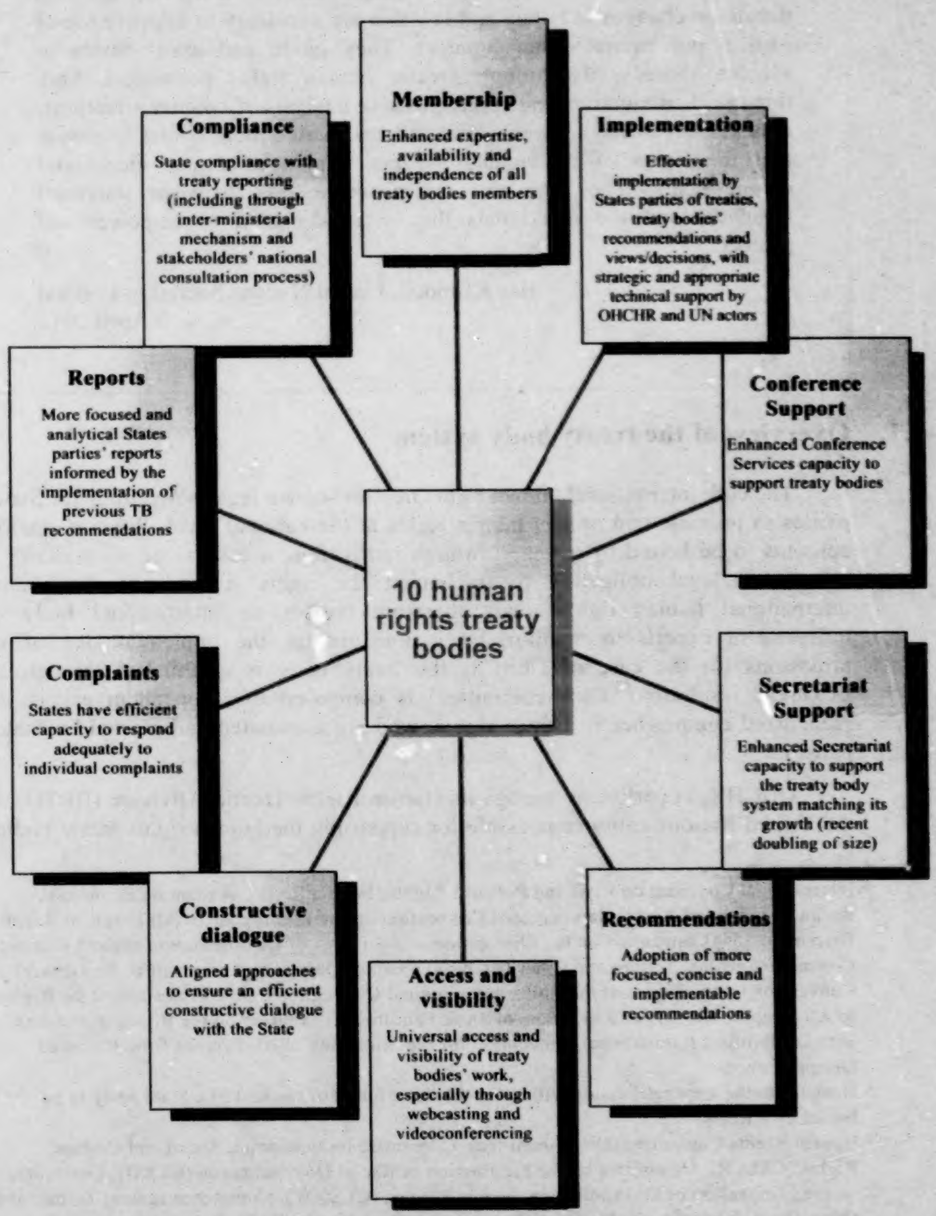
I see the Subcommittee on Prevention of Torture (SPT) empowered to conduct on-site preventive visits to detention facilities, effectively combating conditions leading to torture, with its experts visiting States parties as often as deemed useful until the abhorrent phenomenon is effectively eradicated.

With proper resources and with demands planned well in advance, I see the Division of Conference Management of the United Nations fully empowered to deliver all the high-quality documentation and services expected of it on time. The implementation of a number of cost-cutting measures, including the reduction of documentation waste and simplified reporting requirements, will ensure that every cent spent on documents will be used to process valuable information for the treaty bodies and their audiences.

I see all these factors coming together, including the webcasting of treaty body sessions and other technological advances, enabling the treaty system to break out of the halls of the United Nations, selected Ministries, the few dedicated civil society organizations that follow treaty body work, and some interested universities to become more accessible to the general public in every State party. At the national level, I see this as a worthy investment not only in mobilizing action to address current human rights challenges but also supporting broader human rights education in the long term. At the international level, I see this effective treaty body system as a punctual tool to acknowledge concrete progress, identifying where further progress is needed, and providing the support requested to help countries improve their human rights record. By providing information on negative human rights trends and developments that could lead to serious human rights violations and even to generalized conflicts, a tightly functioning treaty body system would contribute to early warning and prevention.

In the end, all these proposals point to one direction: making the treaty body system more effective in assisting States parties to faithfully implement their human rights obligations for the benefit of the rights-holders on the ground, through the continuum of treaty reporting and implementation as originally foreseen in the treaties.

A vision for the treaty body system


Membership
Enhanced expertise, availability and independence of all treaty bodies members
Compliance
State compliance with treaty reporting (including through inter-ministerial mechanism and stakeholders' national consultation process)
Implementation
Effective implementation by States parties of treaties, treaty bodies' recommendations and views/decisions, with strategic and appropriate technical support by OHCHR and UN actors
Reports
More focused and analytical States parties' reports informed by the implementation of previous TB recommendations
Conference Support
Enhanced Conference Services capacity to support treaty bodies
10 human rights treaty bodies
Complaints
States have efficient capacity to respond adequately to individual complaints
Secretariat Support
Enhanced Secretariat capacity to support the treaty body system matching its growth (recent doubling of size)
Constructive dialogue
Aligned approaches to ensure an efficient constructive dialogue with the State
Recommendations
Adoption of more focused, concise and implementable recommendations
Access and visibility
Universal access and visibility of treaty bodies' work, especially through webcasting and videoconferencing

Section 2: Background, facts and figures

> The treaty bodies constitute a unique framework for dialogue and debate on changes in policy and law that are necessary to improve social justice and equitable development. They guide and assist States to achieve those goals through greater human rights protection. And, through their rigorous and comprehensive analysis of country situations, they can act as early warning tools. States created these bodies to ensure that the rights of individuals did not remain as empty ideals and commitments. They are the indispensable link between universal standards and the individuals they were designed to empower and protect.
>
> Ban Ki-moon, United Nations Secretary-General
> 2 April 2012

2.1. Overview of the treaty body system

The core international human rights treaties[5] create legal obligations for States parties to promote and protect human rights at the national level. When a country consents to be bound by a treaty through ratification, accession or succession[6], it assumes a legal obligation to implement the rights it sets out. Each core international human rights treaty therefore creates an international body of independent experts to monitor, by various means, the implementation of its provisions (in the case of CESCR, the treaty body is established through an ECOSOC resolution). Each committee[7] is composed of independent experts of recognized competence in human rights, who are nominated and elected by States parties.

OHCHR, in particular through its Human Rights Treaties Division (HRTD), is the United Nations entity responsible for supporting the human rights treaty bodies that monitor the implementation of the international human rights treaties. The Division of Conference Management (DCM) of the United Nations Office at Geneva (UNOG) provides conference services to the treaty bodies, as well as to other clients.

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[5] International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced Disappearance.

[6] Henceforth the term ratification will cover the three forms of consent of a State party to be bound by a treaty.

[7] Human Rights Committee (HR Committee); Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination of Discrimination against Women (CEDAW); Committee against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT); Subcommittee on Prevention of Torture (SPT); Committee on the Rights of the Child (CRC); Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED).

The treaty bodies perform a number of functions aimed at reviewing how the treaties are being implemented by their States parties. All treaty bodies, with the exception of the Subcommittee on Prevention of Torture (SPT), are mandated to receive and consider reports submitted periodically (in most cases every four to five years) by States parties detailing how they are applying the treaty provisions domestically. All but one (the SPT) of the treaty bodies may in principle receive and consider complaints or communications from individuals alleging that their rights have been violated by a State party, provided that the latter has accepted this procedure.[8] Six of those (two not yet in force) have the competence to conduct country inquiries and/or visits, including the SPT.

2.2. Facts and figures on the treaty body system

Since 2004, the human rights treaty body system has **doubled in size** with the creation of four new treaty bodies (CMW, CRPD, SPT and CED) and three new procedures for individual complaints (CRPD, ICESCR and CRC). Until 2000, only three treaty bodies were competent to address individual complaints. When the Optional Protocol to the CRC, article 77 of the ICMRW and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) enter into force, all treaty bodies (except for the SPT) will have the possibility of receiving individual communications — representing a significant step forward in improving human rights protection. This trend could continue if new international human rights instruments were to be adopted.

Individual communications procedures

2000: HRCttee, CAT, CERD

2012: Out of the nine treaty bodies (HRCttee, CAT, CERD, CEDAW, CRPD, CED, CMW, CESCR, CRC) that have the procedure, the procedure has not yet entered into force for three treaty bodies (CMW, CESCR, CRC).

There have been increases in membership in the CRC, CMW, CRPD and the SPT bringing the total number of treaty body experts in 2012 to 172 (versus 97 in 2000 and 125 at the beginning of 2010). Meeting time has also sharply risen (51 weeks in 2000, 72 weeks in 2010 and 74 weeks in 2012), and there are a number of requests for more meeting time at various stages of transmittal to the General Assembly.

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[8] CMW, CRC and CESCR will have the mandate to consider individual communications only once the respective optional procedure has entered into force.

Also, as a positive side-effect of the Universal Periodic Review (UPR), States have increased ratification under international human rights treaties. The six core international human rights treaties in force in 2000 had attracted 927 ratifications. In 2012, this total increased by over 50 % to 1,586 ratifications[9]. If one counts all core international human rights treaties and their related optional protocols, the number of ratifications is close to 2,000 (1,953 as of 8 May 2012). This increase in ratifications has not been matched by a proportionate increase in the number of reports submitted by States parties — the slight increase in reports submitted reflects proportionally a relative decrease in reporting compliance over this period: 102 in 2000 (when there were a cumulative 927 States parties), 117 in 2008 (1,325 States parties), and 136 in 2011 (1,508 States parties[10]).

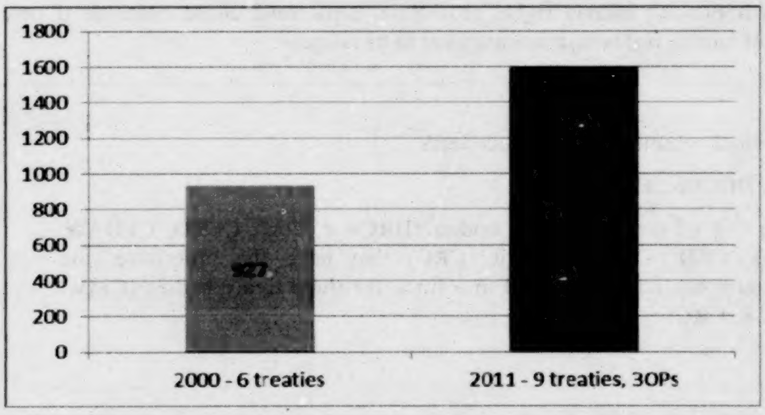
Ratification/accession of international human rights treaties

2000: 6 core international human rights treaties = 927 ratifications

2012: 9 core international human rights treaties and 3 optional protocols (OPSC-CRC/OPAC-CRC with a reporting procedure and OPCAT with a visiting procedure) = 1,586 ratifications (equalling an increase of 59% since 2000)

2020: Universal ratification would equal 2,123 ratifications

(9 core international human rights treaties and three optional protocols)



As of May 2012, the status of ratification of international human rights instruments is as follows:

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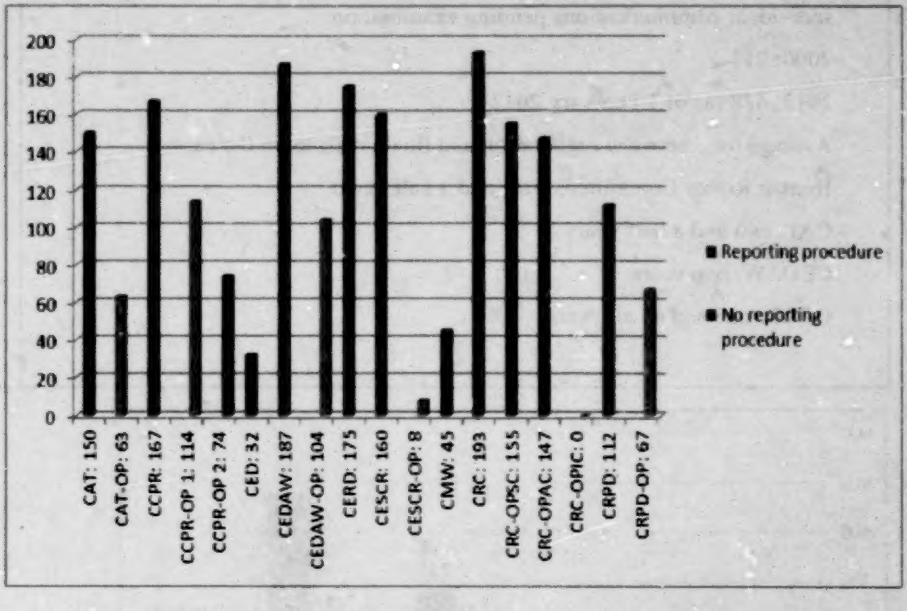
[9] This figure covers the nine core international human rights treaties and three Optional Protocols (two to the CRC with reporting obligations; and OPCAT with a visiting procedure).

[10] The number of States parties indicated here covers only treaties (9) and optional protocols (2) with a specific reporting procedure.



By the end of the 2011-12 biennium, the treaty bodies will have reviewed 246 States parties' reports — and over 250 individual complaints. At the same time, over 250 States parties' reports will have awaited consideration and over 500 individual complaints will be pending review. In 2000, 200 States parties' reports and 214 individual communications were pending examination.

States parties' reports submitted

2000: 102 reports

2011: 136 reports

Number of concluding observations adopted

2000: 68 concluding observations

2011: 118 concluding observations

At current levels of ratifications, if every State party would report as per prescribed periodicity, treaty bodies should review an average of 320 State party reports annually

In addition, annually the treaty bodies adopt an average 120 decisions on merits of individual communications

SP reports pending examination

2000: approx. 200

2012: 281 (as of 21 March 2012)

Average waiting time in 2012: two to four years (for CRPD seven years)

Individual communications pending examination

2000: 214

2012: 478 (as of 1 February 2012)

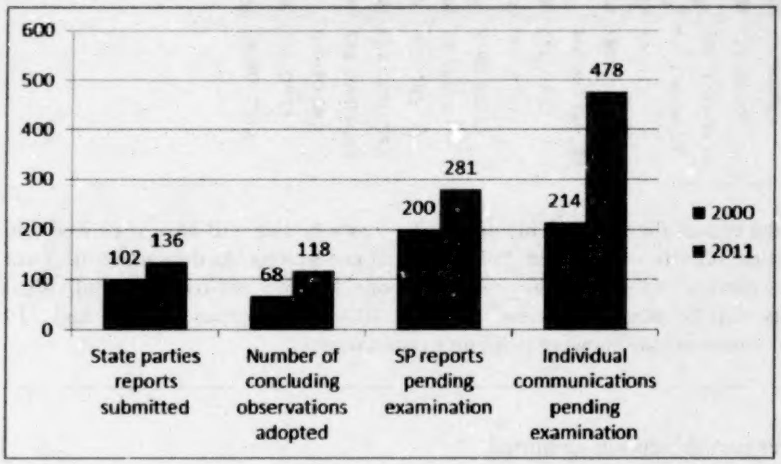
Average time between registration and final decision on the case:

Human Rights Committee: three and a half years

CAT: two and a half years

CEDAW: two years

CERD: one and a half years



2.3. Challenges confronting the treaty body system

2.3.1. Non-compliance with reporting obligations

Periodic reporting is a key legal obligation and the timely access of individuals to the treaty system is a fundamental requirement for the effective protection of individuals or groups of individual rights holders.

The six oldest treaties (CERD, ICCPR, ICESCR, CAT, CEDAW and CRC) have at least 150 States parties each. The number of ratifications of the newer treaties is increasing rapidly, representing a 59 % increase in treaty ratification over the last decade, which is extremely positive for the promotion and protection of human rights. At the same time, the States that become parties to multiple treaties are challenged by the rise in their reporting and implementation obligations.

Reporting under the treaties

Nine core international human rights treaties and two optional protocols establish a reporting obligation for States parties. The periodicity of these reporting procedures is presented in the table below.

Treaty	*Initial report due (following ratification) within*	*Periodic reports due thereafter every*
ICERD	1 year	2 years[11]
ICESCR	2 years	5 years[12]
ICCPR	1 year	4 years[13]
CEDAW	1 year	4 years
CAT	1 year	4 years
CRC	2 years	5 years
ICRMW	1 year	5 years
CRC-OPSC	2 years	5 years or with next CRC report
CRC-OPAC	2 years	5 years or with next CRC report
CRPD	2 years	4 years
CED	2 years	as requested by CED (art. 29(4)

The average reporting periodicity under the nine core international human rights treaties is between four and five years. If a State ratifies all nine core treaties and two optional protocols with a reporting procedure, it is bound to submit in the time frame of 10 years approximately 20 reports to treaty bodies, i.e. two annually. The reporting includes a national process followed by a meeting between the State party with the respective treaty body in Geneva (or New York) during a constructive dialogue. A State which is party to all the treaties and submits all its reports on time will participate in an average of two dialogues annually.

In reality, while some initial reports are submitted on time, as stipulated in the treaties or in accordance with the periodicity established by the committees where their treaties do not stipulate this, all the treaty bodies have had to adjust the deadlines that the treaties set in view of the pace of submission of periodic reports, with the result that today very few States parties to the core international human rights treaties are called upon to strictly adhere to the periodicity established under each treaty[14]. As is revealed in the table below, only 16 % of the reports due in 2010 and 2011 were submitted in strict accordance with the due dates established in the treaties or by the treaty bodies. When counted with a one-year grace period of twelve months after the established deadline, still only one-third of reports were submitted on time.

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[11] With a two year periodicity specified in the treaty, ICERD allows for merging two reports in one (i.e. de facto periodicity of four years).

[12] Article 17 of the Covenant does not establish a reporting periodicity, but gives ECOSOC discretion to establish its own reporting programme.

[13] Article 40 of the Covenant gives the Human Rights Committee discretion to decide when periodic reports shall be submitted. In general, these are required every four years.

[14] A State party due date for the submission of a report is established by the periodicity defined in the relevant treaty or the rules of procedure of the corresponding Committee, in accordance with and through the date of ratification by the State.

2010			
Treaty body	**Reports received in 2010**	**Reports submitted on time in 2010**	**Percentage of reports submitted on time**
CAT*	16	2	13 %
HRCttee	10	2	20 %
CEDAW	28	3	11 %
CERD	18	2	11 %
CESCR	17	5	29 %
CMW	4	0	0 %
CRC	20	2	10 %
CRC-OPSC	8	1	13 %
CRC-OPAC	11	2	18 %
CRPD	9	3	33 %
TOTAL	**141**	**22**	**16 %**

*** CAT reports submitted on time had accepted the new optional procedure of List of Issues Prior to Reporting (LOIPR)**

2011			
Treaty body	**Reports received in 2011**	**Reports submitted on time in 2011**	**Percentage of reports submitted on time**
CAT*	13	4	31 %
HRCttee	13	2	15 %
CEDAW	27	4	15 %
CERD	15	1	7 %
CESCR	15	2	13 %
CMW	5	0	0 %
CRC	14	2	14 %
CRC-OPSC	8	0	0 %
CRC-OPAC	10	1	10 %
CRPD	17	6	35 %
TOTAL	**137**	**22**	**16 %**

*** CAT reports submitted on time had accepted the new optional procedure of List of Issues Prior to Reporting (LOIPR)**

With such a persistent high level of non-compliance with reporting obligations, treaty bodies have established an ad hoc schedule of work based on the submission of reports by States as they come in. As a consequence, a State that complies with its reporting obligations faithfully will be reviewed more frequently by the concerned treaty body compared to a State that adheres to its obligations less faithfully. Non-compliance therefore generates differential treatment among States.

Under some treaties such as ICESCR, CAT and the ICCPR, around 20% of States parties have never submitted an initial report; for others like ICRMW, CRPD and the two Optional Protocols to the CRC (with a reporting requirement), the figure is even higher. In other words, a significant proportion of ratifications has never resulted in a report or a review. At the same time, the most widely ratified treaties — the CRC and CEDAW — have succeeded in receiving almost all initial reports due from their 193 and 187 States parties, respectively.

Actual reporting by States parties

As of April 2012, 626 State party reports were overdue. If the trend of ratification growth or the establishment of new treaty bodies continues, this figure will increase.

SUBMISSION OF REPORTS

Treaties (and number of States parties)	*Overdue initial reports*	*Percentage of overdue initial reports*	*Overdue periodic reports*	*Percentage of overdue periodic reports*	*Total number of overdue reports*	*Percentage of total number of overdue reports*
CAT (150)	29	19%	39	26%	68	45%
ICCPR (167)	26	16%	58	35%	84	50%
CED (32)	0	0%	0	0%	0	0%
CEDAW (187)	10	5%	30	16%	40	21%
ICERD (175)	13	7%	74	42%	87	50%
ICESCR (160)	35	22%	41	26%	76	48%
ICRMW (45)	21	47%	8	18%	29	64%
CRC (193)	2	1%	61	32%	64	33%
CRC-OPSC (156)	76	49%	0	0%	76	49%
CRC-OPAC(147)	52	36%	0	0%	52	36%
CRPD (112)	50	46%	0	0%	50	46%
Totals	315		311		626	

2.3.2. Backlogs in the consideration of States parties' reports and individual complaints

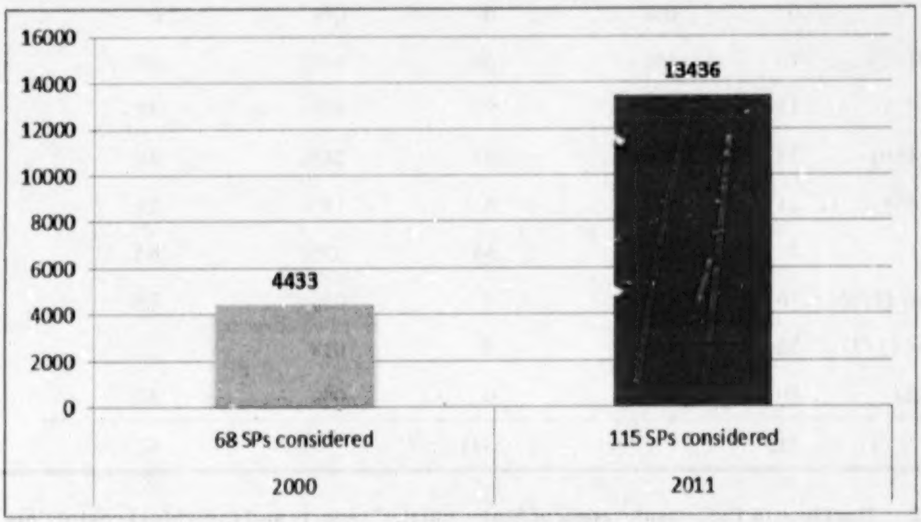
Even at this level of non-compliance described above, treaty bodies face backlogs amounting to a cumulative 281 State party reports pending consideration (as of 21 March 2012). As a result, as it presently operates, States parties that invest the time to prepare their reports are made to wait for the holding of the constructive dialogue for years after their submissions.

For those treaty bodies that consider individual communications, the increasing number of petitions (an average of 480 individual communications pending in 2011) has also led to significant delays in this procedure. For instance, for the Human Rights Committee, with 333 pending cases, the average time lag between registration and final decision on a case is around three and a half years. The average time lag for the Committee against Torture, which has 115 cases pending, is two and a half years. This has a negative impact on petitioners who face a long wait before their case is decided upon, and on States parties who are often faced with a Committee's request for implementation of interim measures over a long period of time. It should also be noted that some States do not cooperate with the Committees despite frequent reminders to submit their comments on the individual communications, thereby further delaying the consideration of the complaint.

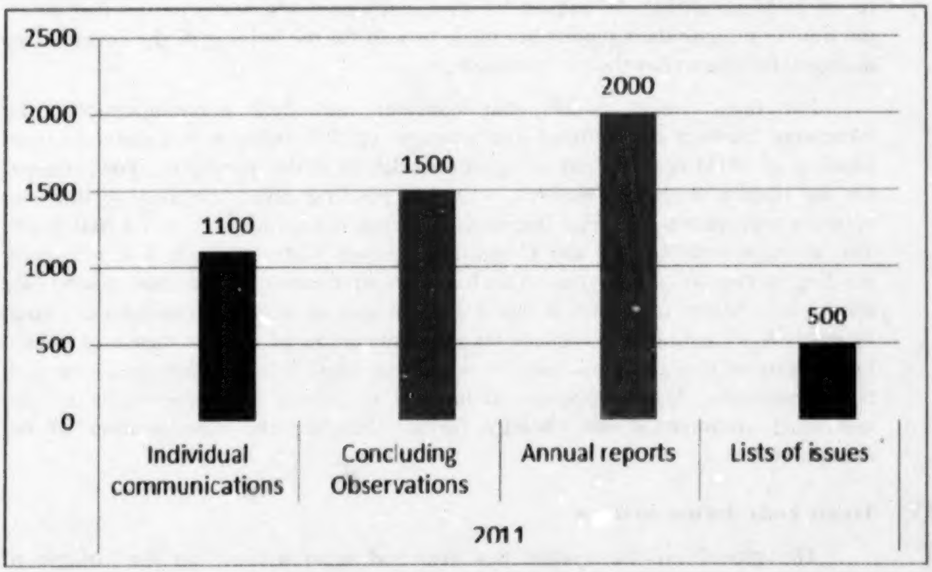
2.3.3. Treaty body documentation

The growth of the system has also had repercussions on the volume of documentation, which has almost tripled over the last decade. In 2011, it represented the highest cost item of the functioning of treaty bodies. The bulk of the treaty body documentation consists of the reports submitted by States parties (two thirds of the total number of pages processed); other documents are those issued by the treaty bodies, which comply with the strict page limitations defined by the General Assembly (on this issue, see also 4.2.3. on strict adherence to page limitations).

Increase of the number of pages submitted by States parties (processed for translation)



Number of pages produced by the 10 treaty bodies in 2011 (processed for translation)



2.3.4. Capacity gaps

The growth of the number of human rights treaties that include a reporting obligation has logically led to an increase of reporting. There are also other reporting obligations or commitments of States in a large variety of other areas of work of the United Nations, such as UPR, the Millennium Development Goals (MDGs), environment, disarmament, labour rights, sustainable development and public health, which in addition to their expanding reporting duties at the regional level leaves most States acutely challenged in keeping pace. This is particularly valid for Least Developed Countries, Landlocked Developing Countries, Small Island Developing States and States affected by natural disasters or armed conflicts.

The preparation of the national reports relating to all these areas of work of the United Nations and procedures requires considerable resources and capacity. In regard to the human rights treaties, every drafting mechanism will need to understand the treaties and the ways in which the treaty bodies deal with their reports. States that depend on ad hoc mechanisms for preparing their reports will face this need every time they constitute a new drafting committee. The capacity gaps will be exacerbated when there is a long time lag between the submission and consideration of a report by a treaty body, in which case States commonly find that some or most of the drafters of their reports at the time of a dialogue on the reports they prepared are no longer available, thereby weakening institutional memory, and the capacity of their replacements will need to be built once again. In view of the fact that the majority of States parties submit their reports late, it may be many years before the preparation of the next report to a treaty body is embarked upon, and the need to build capacity will again present itself at that time. To a lesser extent, the turnover of the officials that deal with individual communications also affects the capacity of States to provide their observations on admissibility and merits and to respond to the Views of the treaty bodies.

In this context, OHCHR responds regularly to requests from Governments (and other parties, including parliaments, national human rights institutions, the judiciary and civil society) to support capacity building in the area of treaty reporting and sometimes individual communications procedures. However, OHCHR's capacity to provide technical cooperation is far below that necessary to assist all States that are late with the submission of their reports. When there is no standing national drafting mechanism that can retain institutional memory and capacity, technical cooperation activities do not tend to build progressively stronger capacity over time. The rationalization and reinforcement of OHCHR technical cooperation activities in support of a rationalization of national reporting structures is essential in order to move from the continuous ad hoc provision of training toward a lasting solution for each State party that requests assistance.

2.3.5. Coherence

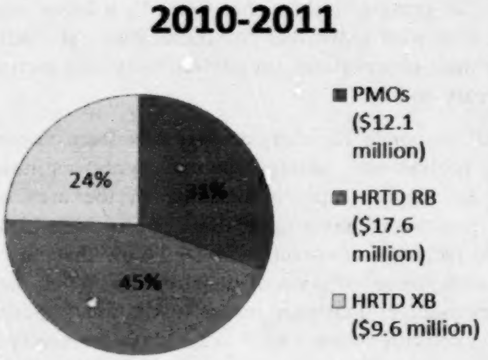
The rapid expansion of the treaty body system may also challenge its coherence. The nine core human rights treaties each have their own scope, but some or all share similar provisions and cover identical issues from different angles, such as non-discrimination; domestic legislation and domestic application of the treaties, policies, institutions and the national machinery for human rights; and gender equality, to name a few. States parties are required to ensure coherent reporting under all the treaties to which they are a party by using a system that will allow for consistency on cross-cutting issues in various reports submitted to different treaty bodies. In turn, treaty bodies also need to ensure consistency among themselves on common issues in order to provide coherent treaty implementation advice and guidance to States. This consistency is also required under the individual communication procedures of all treaty bodies.

2.3.6. Resources

Last but not least, and as discussions over the past two and a half years have emphasized, resources for the system lag behind the expansion and increasing workload of treaty bodies.

Support provided by OHCHR to the treaty bodies is currently drawn from two sources: the United Nations regular budget ($29.7 million in 2010-2011) and voluntary contributions ($9.6 million in 2010-2011). Thus, in 2010-2011, the regular budget provided 76% of the total $39.3 million in resources. From the regular budget allocation, some $12.1 million was used to fund the travel of members to treaty body sessions, under the "Policymaking Organs" section of the human rights budget, and $17.6 million went to OHCHR, mainly for the staff to support the work of the treaty bodies. In addition, $9.6 million was made available from voluntary contributions, to increase the level of support provided to the treaty bodies.

Conference services cost over the 2010-2011 biennium amounted to an estimated $72 million.



Travel of experts (Policymaking organs)

While the committee members do not receive a salary for their work, the United Nations covers the cost of their travel and stay to participate in the sessions of the committees. This accounts for a large percentage of the overall costs of the treaty bodies ("Policymaking Organs"). The budget increased from $4.3 million for the biennium 2000-2001 to $12.1 million for the biennium 2010-2011, due to the increase from 74 experts in 2000 to 172 experts in 2011. Those numbers increased further for 2012-2013, reflecting the creation of the Committee on Enforced Disappearances and the expansion of membership of other committees, including SPT and CRPD. Meanwhile, the actual costs have outpaced this increase in the approved budget leading to revised appropriations.

Regular budget- Travel of experts							
(In thousands of USD)[15]	*2000–01*	*2002–03*	*2004–05*	*2006–07*	*2008–09*	*2011–11**	*2012–13*
HRttee	1 224	1 372	1 370	1 363	1 497	1 778	1 865
CESCR	973	748	741	775	808	1 153	920
CRC	1 123	787	1 627	1 702	1 555	1 885	1 949
CAT	324	342	464	482	520	668	635
CERD	629	665	699	764	813	1 327	1 204
Meeting of Chairpersons	51	53	56	55	118	112	119
CMW *(since 2004 and increase in membership from 10 to 14)*	-	-	180	183	195	511	565
SPT *(since 2007 and increase in membership from 10 to 25)*	-	-	-	-	976	1 398	2 037
CEDAW *(supported by OHCHR as of 2006)*	-	-		1 231	1 737	2 344	2 169
CRPD *(since 2009 and increase in membership from 12 to 18)*	-	-	-	-	584	809	1 586
CED *(since 2011)*						88	709
Total	**4 324**	**3 967**	**5 136**	**6 555**	**8 803**	**12 073**	**13 759**

Staff support (Subprogramme 2 and voluntary contributions)

Since 2000, the regular budget allocations under Subprogramme 2 for support of the treaty bodies, now consolidated in the Human Rights Treaties Division and consisting mainly of staff costs, have increased from $6.1 million in a biennium to $17.6 million for a biennium.

The Human Rights Treaties Division has 61 Professionals and 22 General Service posts, including 40 Professional posts (1 D-1, 4 P-5, 15 P-4, 19 P-3 and 5 P-2) and 16 General Service posts funded from the regular budget (RB posts), and 17 Professional posts (1 P-4, 15 P-3 and 1 P-2) and six General Service posts funded from voluntary contributions (XB posts).[16]

A workload analysis conducted in 2010 found a 30% gap between the number of Human Rights Officers (RB and XB posts) required and the number in place supporting treaty body sessions. The reasons for this shortfall can be attributed to the fact that treaty bodies have not received full and adequate resources from the outset and only in a few cases was this situation re-evaluated. To clearly establish the appropriate number of posts to provide an adequate level of support today, an updated review of the current and projected workload should be undertaken once decisions are made on this report. In principal, the resources allocated to the treaty bodies should be commensurate with the task they have been mandated to fulfil and drawn from the regular budget of the United Nations, given that treaty body functions are core mandated activities.

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[15] These figures are the appropriations for a given biennium as displayed in the proposed programme budget for the following biennium, i.e.: A/56/6 (sect. 22); A/58/6 (sect. 24), suppl. information; A/60/6 (section. 23), suppl. information; A/62/6 (sect. 23), suppl. information; A/64/6 (sect. 23), suppl. information; A/66/6 (sect. 24), suppl. information.

[16] Excluding staff of the Division working on the Humanitarian Trust Funds.

While the financial constraints currently facing the United Nations system, and indeed many States, are beyond a doubt, it is nevertheless essential that the fundamental principle of State accountability under international human rights law not be compromised. The consistent under-resourcing of the treaty body system over many years has reached a stage where the status quo can no longer be sustained; failure to confront the issue poses a threat to the future of the system. When a treaty mechanism can only function by tolerating an 84 % rate of non-compliance in reporting, serious measures are in order.

2.4 Previous initiatives to strengthen the treaty bodies

Strengthening the treaty body system has a long history. Some significant milestones include the 1997 final report of the Independent Expert, Mr Philip Alston, on enhancing the long-term effectiveness of the United Nations human rights treaty system,[17] the Secretary-General's report in 2002 on the strengthening of the United Nations: an agenda for further change and two brainstorming meetings on reform of the human rights treaty bodies (Malbun I and II) in 2003 and 2006.

In her 2005 Plan of Action, the former High Commissioner, Ms Louise Arbour, indicated that she would develop proposals for reforming the system. A concept paper was elaborated on concerning a proposal for a unified standing treaty body which provided a basis on which options for reform were explored.[18] The proposal for a unified standing treaty body provided an innovative and forward-looking solution to the deep structural challenges that the system was already facing at the time. It looked closely at efficiencies of the machinery and the impact on rights holders at the country level through the proposition to adapt an aging system to increased modern requirements.

The proposal of a unified standing treaty body was not adopted; however, it stimulated sustained movement among treaty body membership in the harmonization of working methods and procedures of the treaty bodies, mainly through Inter-Committee Meetings (ICMs) and Chairpersons Meetings (CMs) between 2006 and 2009.

2.5 The current treaty body strengthening process

The treaty body strengthening process that I have initiated sought to enhance the visibility, accessibility and impact of the treaty body system. It was aimed to create a more rational, coherent, coordinated and effective system which should deliver the goals for which it was established. This directly correlates to the effective functioning of OHCHR, which is challenged by the heavy workload of the treaty bodies and scarce human resources.

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[17] A/44/668, A/CONF.157//PC/62/Add.11/Rev.1, E/CN.4/1997/74.

[18] HRI/MC/2006/2, 22 March 2006.

The strengthening process benefitted from some twenty consultations that took place around the world among different actors, including treaty body experts, States, national human rights institutions, civil society and United Nations entities. The outcomes of these consultations, as well as written submissions from many stakeholders, were compiled in a list of emerging and diverse proposals which was made public on a dedicated treaty body strengthening page on OHCHR's website.

Main consultations of stakeholders on treaty body strengthening (held between November 2009 and April 2012):

Formal meetings include the bi-annual inter-committee meetings of human rights treaty bodies and annual meetings of chairpersons

Consultations within and among the treaty bodies, including joint consultations in Avenières and Bossey for treaty bodies with overlapping sessions in Geneva (five Saturday retreats), an Expert Meeting on Petitions for treaty body members (October 2011), and briefings at nearly all treaty body sessions held in 2011 and 2012 (to date).

Informal meetings and consultations (all included an outcome document)

Dublin consultation for treaty body members organized by the University of Nottingham (November 2009)

Marrakesh consultation for National Human Rights Institutions organized by the National Human Rights Commission of Morocco (June 2010)

Poznan consultation for treaty body members organized by the Adam Mickiewicz University (October 2010)

Seoul consultation for civil society organizations organized by the National Human Rights Commission of Korea (April 2011)

First Informal Technical Consultation with States parties in Sion organized by the International Institute for the Rights of the Child/ University Kurt Bösch (IIRC/IUKB) (May 2011, co-organized by OHCHR and all treaty body Chairs)

Pretoria consultation for civil society organizations organized by the University of Pretoria (June 2011)

Bristol Seminar on Implementation of Concluding Observations organized by the University of Bristol (September 2011)

Lucerne Academic Consultation organized by Centre of Human Rights Education of the University of Teacher Education (October 2011)

Dublin II consultation organized by the University of Nottingham (November 2011)

Maastricht Seminar on the UPR and treaty bodies organized by Maastricht University (November 2011)

Consultation with UN entities and specialized agencies organized by OHCHR in Geneva and New York (November 2011)

Second consultation with States parties in Geneva organized by OHCHR (7-8 February 2012)

Third consultation with States parties in New York organized by OHCHR (2-3 April 2012)

Stakeholders' written submissions to the High Commissioner's call

NGO joint contribution on issues for the inter-governmental process on strengthening the effective functioning of the human rights treaty body system (April 2012)

Response by non-governmental organizations to the Dublin Statement (November 2010)

NGO statement on strengthening the treaty body individual communications procedures

Stakeholders' individual written submissions in the context of the treaty body strengthening process

Submissions by States parties (36)

Submissions by treaty bodies (1)

Submissions by treaty body members (8)

Submissions by academics (3)

Submissions by civil society organizations (10 + 3 joint submissions) A dedicated OHCHR website was set-up in early 2010 (at: http://www2.ohchr.org/english/bodies/HRTD/index.htm).

Section 3: Achievements to date

3.1. Measures taken by the treaty bodies

Since the launch of the strengthening process in 2009, the human rights treaty bodies have continued to take a number of measures to improve their working methods and increase their efficiency. Treaty body experts assumed their responsibilities to the largest possible extent given time and resource constraints. Achievements to date include the following:

3.1.1. Time allocated for the constructive dialogue and harmonization measures

Over the last decade, in an effort to maximize meeting time, all bodies (CESCR having joined on a pilot basis as of November 2012) have reduced the time for State reviews from three to two meetings (from nine to six hours) for periodic reports. This measure has often permitted an increase of 50 % of the number of States parties reviewed per year by each treaty body.

Other measures to address the backlog in consideration of reports were for example taken by the CRC working in two parallel chambers during three sessions in 2010, with additional meeting time approved by General Assembly resolution 63/244. This resulted in an increase of State party reports considered, from 30 in 2009 to 52 in 2010. Regrettably, the backlog of 80 reports remained largely unchanged by the end of 2010, as more reports were submitted during that period[19]. This indicates the scale of the backlog problem for that particular committee and the limitations of ad hoc solutions.

In addition, the treaty bodies continued to harmonize their procedures with new treaty bodies adopting rules and procedures that reflect best practices. Following the practice established by CAT in 2007, two more treaty bodies (HRCttee and CMW) have adopted the optional reporting procedure of List of Issues Prior to Reporting (LOIPR).

3.1.2. Role of the Chairpersons

In June 2011, the Chairpersons of all the treaty bodies decided during their annual meeting to enhance their working methods. While noting that the autonomy and specificity of treaty bodies should be respected, they acknowledged the spearheading role of the Chairs in order to achieve more cost-effective and aligned working methods as well as during the inter-sessional period in facilitating coordination of common activities. The Chairpersons recommended the adoption of measures on those working methods and procedural matters which were common across the treaty body system and had previously been discussed within each committee. The Chairs also recommended that such measures would be implemented by all treaty bodies, unless a committee subsequently dissociated itself from it.[20] This is an important step towards sustainable synergies and efficiency.

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[19] See also Note by the Secretary-General, Evaluation of the use of additional meeting time by the human rights treaty bodies, A/65/317.

[20] A/66/175, paragraph 21.

3.1.3. Reduction of use of interpretation and documentation

Further, in order to increase their efficiency and reduce their operational costs, the treaty bodies have de facto foregone, over the years, significant conference service entitlements with the objective of minimizing operational costs:

- Treaty bodies work increasingly outside of official meeting time with no interpretation, including when they discuss and draft general comments. For example, CRC and CEDAW regularly add considerable meeting time in English or have smaller working groups at each session in English (which is a challenge for some of its members). Furthermore, treaty body experts regularly attend briefings organized by civil society outside of formal meeting hours, which adds another hour or more to the normal work day;
- CRC discontinued its follow-up reporting procedure that was in practice between 1994 and 2000 (and established on the basis of article 44.4 of the Convention). This decision[21] was solely a consequence of a lack of meeting time and other resourcing that made it impossible for the Committee to properly continue to administer the procedure;
- Some standard official documentation such as the treaty bodies' report to the General Assembly on the status of ratification or the CRC table of recommendations on international cooperation has been discontinued or is only prepared in English;
- A significant portion of States parties reports containing key data, abstracts of laws or other basic information is, on the agreement of States parties, provided in annexes which are not translated;
- The CRC in-session working documents are not translated;
- CEDAW has agreed to receive summary records in English only, and CRC does not request translation of Summary Records;
- Committees have agreed to forego summary records of closed meetings (except for some exceptions concerning mainly individual communications);
- The number of background papers of the Secretariat is strictly limited and these are rarely translated. ECOSOC-accredited NGO statements to CESCR are no longer translated.

3.2. Measures taken by OHCHR

Following General Assembly resolution 62/236 (paragraph 101), OHCHR was reviewed by the Office of Internal Oversight Services (OIOS). OHCHR's Human Rights Treaties Division (HRTD), at its request, was examined as a component of the larger OHCHR evaluation. The evaluation and its resulting report (July 2009) highlighted strengths and areas for action for OHCHR, with a view to enhancing synergies of work processes across the Office to improve a coherent approach to treaty bodies' work, inputs and outputs. The recommendations that refer particularly to HRTD included improving strategic linkages and work flows between and among HRTD and other Divisions, especially OHCHR field presences; harmonizing the support provided by the treaty body Secretariat in relation to the working methods of the treaty bodies; improving work flows within HRTD; and objectively assessing human resources requirements. In this context, the role of OHCHR Desk Officers in FOTCD has been reinforced and is crucial in linking country-based work with that of the treaty bodies.

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[21] See CRC/C/27/Rev.11.

3.2.1. Harmonization of Secretariat working methods

A review of work processes was undertaken and measures taken to gradually harmonize the working methods of the Secretariat (e.g. administrative note to all treaty body experts, standardized correspondence templates for interaction between Secretariat, treaty body experts and other stakeholders, institutionalized coordination and information sharing among treaty body secretaries to sustain the harmonization efforts and good practices among treaty bodies, improved filing and archiving, development of an induction package for new staff in the Division, development of an induction package and orientation programme for new treaty body experts) and improved work flows in all parts the Office, including its Field Presences (see below under planning and programming).

3.2.2. Treaty body recommendations as an integral part of OHCHR's planning and programming

The OHCHR management plan for 2010-2014 includes as one of its six thematic priorities a strategy on "Strengthening human rights mechanisms and the progressive development of international human rights law" with a view to better integrating the work of the human rights mechanisms including the treaty bodies into the broader OHCHR workplan. During OHCHR's annual planning week convened in October 2011 a specific segment was organized on supporting human rights mechanisms in the year ahead (2012). During the session, participants discussed, among other things how the human rights mechanisms could support the OHCHR's fieldwork. For example this could be done by making better use of treaty body experts' knowledge of their respective regions in acting as resource persons in capacity-building activities requested by Member States. OHCHR also examined how OHCHR's field presences and other parts of OHCHR could better support the work of the mechanisms to ensure higher quality outputs. Ways to foster coherence among the different mechanisms were explored, resulting in the development of a joint reporting calendar for the relevant human rights mechanisms. I will make this calendar publically available as it could also be of use to States and other stakeholders to enhance their collaboration with human rights mechanisms.

Furthermore, in specific support to the treaty bodies and subsequent to a number of internal retreats, OHCHR senior management in September 2011 reached an interdivisional agreement on "Enhancing support to, benefits from and synergies around the human rights treaty bodies". The measures in this agreement are being gradually implemented. They include enhanced cooperation in the areas of strategic programming, knowledge management and information sharing as well as internal and external capacity building.

3.2.3. Increased outreach and visibility of the treaty body system

OHCHR, without additional dedicated capacity or resources, also significantly enhanced its outreach activities vis-à-vis the treaty body experts, the special procedures mandate holders of the Human Rights Council, national human rights institutions and United Nations entities also in order to increase coherence and consistency among the outputs of the different human rights mechanisms. The Universal Human Rights Index is an important outreach tool in this regard. It compiles recommendations made by all human rights mechanisms emanating from country reviews in a database, which can be searched by themes or countries.

The Universal Human Rights Index

To improve access to the outputs of the UN human rights mechanisms and thereby increase the coherence of their implementation, OHCHR manages the Universal Human Rights Index (http://uhri.ohchr.org/en), an electronic tool compiling recommendations from the treaty bodies, special procedures and the Universal Periodic Review. It is publicly available on a recently upgraded webpage, now in all official languages of the United Nations. By enabling users to analyse and compare the recommendations of these international human rights mechanisms, the Index will assist States in adopting a coordinated approach to the implementation of recommendations, facilitate follow-up and simplify the work of those who use the conclusions and recommendations.

Users of the Index can view the assessments of UN bodies and mechanisms on the status of implementation of human rights in any particular situation. The Index has also been made more accessible for persons with disabilities, including individuals who are visually impaired or use assistive technologies such as screen readers.

In addition, OHCHR publishes a quarterly newsletter, which is being shared with all treaty body experts, other mandate holders, States, NHRIs, United Nations partners and civil society. My Office also updated training material (a DVD on the treaty bodies and several fact sheets) and shares weekly updates with treaty body experts so that each committee remains aware of the developments of the work of the other nine committees. Numerous stakeholders acknowledged the usefulness of all these tools which are not in any way provided for in the regular treaty bodies' budget and yet are essential to ensure the efficiency and coherence we all aspire to.

However, with a lack of dedicated capacity to sift and tailor materials to suit a potentially much wider global audience, via conventional and social media and the website, the increased visibility has not benefitted as wide an audience as it could. As a result, the important work of the treaty bodies remains largely unknown to the majority of the general public whose rights they are designed to uphold.

3.2.4. Technical cooperation

As to effective national-level implementation of the recommendations, through its regular work and support to States, when appropriate, OHCHR organizes and participates in human rights trainings and activities on follow-up to concluding observations and recommendations in merit decisions on individual communications for State officials and civil society, often in partnership with other organizations.

OHCHR, especially its field presences, also undertakes capacity-building initiatives in supporting different stakeholders in reporting to the treaty bodies, including by tailoring training materials to the audience and sending resource personnel from its staff or Committees.

3.2.5. The treaty body strengthening process

Last, but certainly not least, a significant contribution by my Office to the improvement of the performance of the treaty bodies is the process culminating in this report itself. Indeed, all the workload generated by the conceptualization and implementation of the treaty body strengthening process launched in 2009 was accomplished by OHCHR over and above its regular support to the daily functioning of 10 treaty bodies holding 74-week sessions and considering 120 States' reports per year, without counting individual complaints, visits and supporting the two funds for torture and slavery which all fall under the responsibility of the Human Rights Treaties Division of OHCHR.

I see the treaty body strengthening initiative as a long term process. My office will continue to dedicate sustained attention to this area, reflected by the establishment within the Human Rights Treaties Division of a section dedicated to harmonization, outreach and capacity building. Both States and treaty bodies need constant substantive support, provision of thoughtful analysis, and transparent information sharing on all matters affecting the functioning of the treaty body system and its future options so as to deliver its expected accomplishments in a technically-sound and cost-effective manner.

3.3. Measures taken by States

Over the past years States have sought clarity on the perceived ad hoc nature of treaty body requests for additional meeting time. In response, the Secretary-General presented a note on the "Evaluation of the use of additional meeting time by the human rights treaty bodies", A/65/317, in August 2010. Thereafter, in its resolutions 65/200 and 65/204, the General Assembly requested the Secretary-General to submit to it "concrete and tailored proposals on the human rights treaty bodies to improve their effectiveness and to identify efficiencies in their working methods and resource requirements in order to better manage their workloads, bearing in mind budgetary constraints and taking into account the varying burdens on each treaty body".

Since 2009, the General Assembly agreed to increase its support to treaty bodies, including through addressing requests received from CERD, CAT and the CRPD granting additional meeting time on a temporary or permanent basis.

The Secretary-General responded in September 2011 with his report 66/344 to the General Assembly on measures to improve further the effectiveness, harmonization and reform of the treaty body system, which made two proposals to address the perceived ad hoc nature of requests by the treaty bodies for additional meeting time: (1) A proposal to tackle current backlogs, and (2) The establishment of a comprehensive reporting calendar along the periodicity established in each treaty for the review of State party reports.

In its resolution 9/8 on "Effective implementation of international human rights instruments", the Human Rights Council requested the Secretary-General to report annually on measures taken to implement that resolution and on the obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system (see A/HRC/19/28 for the last report). The General Assembly also keeps abreast of developments among the treaty bodies by requesting the reports of the annual meetings of Chairpersons (see A/66/175 for the last report).

In 2011, States reviewed the traditional text of the CEDAW[22], CRC[23] and Covenants[24] resolutions which were altered to mandate all treaty body chairpersons to interact with the Third Committee (which was not the case previously).

On 23 February 2012, the General Assembly adopted resolution 66/254 in which the General Assembly requested its President to launch an open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system and appoint two co-facilitators to assist in this process. It decided that the open-ended intergovernmental process should take into consideration the relevant proposals on strengthening and enhancing the effective functioning of the human rights treaty body system, including those contained in the reports of the Secretary-General and my present compilation report, and in this regard invited me to present the report to the General Assembly no later than June 2012.

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[22] GA RES 66/131
[23] GA RES 66/141
[24] GA RES 66/148

Section 4: Proposals and recommendations by the High Commissioner for Human Rights based on the Consultative Process since November 2009

4.1. The Comprehensive Reporting Calendar

Introduction

The Secretary-General's report[25] to the General Assembly in September 2011 made two proposals to address the ad hoc nature of requests by the treaty bodies for additional meeting time: (1) A proposal to tackle current backlogs, and (2) the establishment of a Comprehensive Reporting Calendar for the review of States parties' reports. As indicated in the report, the second proposal aims at comprehensively addressing multiple challenges facing the reporting process established under the treaties, and providing certainty and increased efficiency for States with respect to the scheduling of when their reports are reviewed and reduce the need for the treaty bodies to continually request additional meeting time. This Section elaborates that proposal.

Background

The current reporting deadlines as established in the respective treaties and/or in the concluding observations of the treaty bodies have created an unpredictable and unbalanced schedule of deadlines for all: the treaty bodies, States parties and all those actors who wish to contribute information to OHCHR. The large backlogs of reports before many treaty bodies create long delays in the examination of those reports, which lead to a loss of momentum in the national processes that were established for the preparation of those reports. This creates a need for considerable updating of information by the time of the dialogue. When faced with pressing human rights issues and the uncertainty that the next reports will be submitted on time, a growing number of treaty bodies have felt compelled to establish or invoke procedures to follow up on concluding observations through which they request additional information on priority issues within a short delay of one or two years. The situation has led many treaty bodies to request additional resources from the General Assembly, some repeatedly.

At all the consultations organized in the Treaty Body Strengthening process, different stakeholders have asked for greater clarity on timing, greater efficiency, and generally greater access to the reporting process.

Proposal

I see great value in the proposal to organize the current reporting deadlines into a single Comprehensive Reporting Calendar, based on a periodic five-year cycle. Within this five-year period, there would be a maximum of two reports per annum due for a State that is a party to all the treaties. This is based on the current situation of there being nine reports due under the core treaties that establish reporting obligations, including a one-off report due under the CED,[26] as well as one report due under the first two Optional Protocols to the CRC[27] (for the purposes of this proposal, the two reports due under the two Optional Protocols are treated together as the equivalent of one report under the core treaties), or ten reports in all.

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[25] A/66/344.

To ensure certainty, and with it greater efficiency and cost-effectiveness for all actors in the system, I propose that:

- The reports to be submitted by a given State party be spaced out to a maximum of two reports per year, so that over five years, all reports due under all the treaties with reporting obligations would have been submitted;
- The reports to be considered by each treaty body be spaced out to 20% of all States parties each year, so that over five years, it will have examined the reports of all States parties; and
- Every report submitted be examined one year following its submission, with six months allowed for others who wish to contribute supplementary information to do so and the next six months reserved for the concerned treaty body and its secretariat to prepare for the face-to-face dialogue.

Thus, under the Calendar, in any year a given State party would have to submit no more than two reports and engage in no more than two interactive dialogues on the reports it submitted the previous year. This would put an end to the unequal treatment of States parties resulting from different levels of compliance with treaty obligations. The regularity and predictability of this system would allow States parties to allocate their treaty body reporting resources with greater efficiency.

Scheduling

Specific decisions would need to be taken as to the criteria both for the listing of States parties, by which they would be divided in groups of 20%, and for the grouping of the treaties. As a number of States expressed the view that the groupings of States parties should be synchronized with their deadlines for UPR reports, I suggest this be taken as an initial proposal for consideration. I further propose that the treaties be grouped on a thematic basis as follows: in Year 1 ICCPR and ICESCR, in Year 2 CRC and the CRC OPs, in Year 3 CAT and CED, in Year 4 ICERD and CEDAW, and in Year 5 ICRMW and CRPD. Another combination of reports due each year may ultimately be opted for, but they would be most beneficial to States parties if, as in the present proposal, they were combined in such a way as to ensure maximum commonality between the two reports due each year, thus maximizing savings for States parties in the resources and efforts required to produce those reports.

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[26] The *International Convention for the Protection of All Persons from Enforced Disappearance* does not establish a periodic reporting procedure. However, in article 29(4), the Committee may request additional information from States parties on the implementation of the Convention. Thus, while a periodic reporting procedure does not exist in respect of this Convention, at the same time neither is it precluded.

[27] Article 8 of CRC-OPAC and article 12 of CRC-OPSC require that State parties submit a report within two years following the entry into force of the respective instrument for each State and thereafter submit further information with respect to the implementation of the Protocols in the regular reports they owe under article 44 of the Convention of the Rights of the Child. States parties to either Protocol that are not parties to the Convention should submit a report on the Protocols every five years.

Recalling that the treaty bodies need the information requested in Common Core Documents (CCDs) in addition to their treaty-specific documents, it would be logical for States to submit or update their CCD at regular intervals, such as every five years to correspond to the Calendar.

Regardless of how the treaties may ultimately be paired, it would be beneficial for reporting States to schedule the reports due under the two Covenants (ICCPR and ICESCR) close to each other. As they are the two broadest treaties setting out the basic human rights of all persons, the preparation of the reports due under them would also place at the disposal of reporting States the core elements required of them for their reports under the Universal Periodic Review procedure of the Human Rights Council, which is due every 4.5 years. Thus, for the approximately 160 States that are a party to both Covenants, a synchronization of the deadlines for these reports with the dates for which the UPR reports are due would result in substantial efficiencies and cost reductions for States parties in the fulfilment of their overall reporting obligations.

The fixed-nature of the Calendar is its most important feature, providing for predictability and stability in reporting and the use of resources by the treaty bodies. This will lead to a significant improvement over the current system, in which many States report late or do not report at all and which is based solely on the sporadic choice and timing of States in the submission of their reports. This unequal compliance by States and consequent unequal treatment by the treaty bodies will end if it is assured that reporting obligations will be strictly adhered to. All the treaty bodies except the newest have faced the dilemma of ensuring compliance with reporting obligations by States parties who are not responsive to their reminders. All treaty bodies (with the exception of one) have thus established procedures of last resort to examine the situation in States parties in the absence of a report,[28] on the basis of all available information. The experience shows that when faced with such a situation, most States parties invoked under this procedure have tended to make the effort to prepare a report, rather than undergo a review by a treaty body without having brought their perspective to that body. Under a properly resourced Comprehensive Reporting Calendar in which adequate time is reserved for the examination of every report due, with deadlines established far in advance and publicly known, States parties would be able to avoid such a situation by planning and undertaking their reporting activities in accordance with their scheduled reviews. In the event that, despite all efforts and reminders, a written report is not forthcoming, States parties may present a report orally during the constructive dialogue that will take place as planned in the calendar between the committee and a delegation of the State party.

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[28] See CERD, A/58/18, annex IV, section P; CESCR, E/C.12/2004/9; the Rules of Procedure of CEDAW (Rule 65), the Human Rights Committee (Rule 70); CAT (Rule 67), CRC (Rule 67 and CRC/C/33, paragraphs 29 to 32). Most recently, CMW amended its Rules of Procedure to establish such a procedure at its sixteenth session in April 2012. It is specifically provided for in article 36, paragraph 2, of the *Convention on the Rights of Persons with Disabilities*. As the *International Convention for the Protection of All Persons from Enforced Disappearance* provides for a one-off reporting obligation, subsequent information being required only upon request, and the Committee has not yet begun to receive State party reports, CED has not established this procedure. A general overview of the procedures of treaty bodies to address non-reporting States parties is contained in the report on the working methods of the human rights treaty bodies relating to the State party report process that was prepared for the Twelfth Inter-Committee Meeting in 2011 (HRI/ICM/2011/4, paragraph 90).

To operationalize the Calendar, the first cycle would need to be conceived as an interim arrangement. Reports already received and awaiting consideration (i.e. current backlogs) would be subsumed in the schedule and the reports due under the CRC Optional Protocols and CED would be submitted and reviewed once. This would free the slots currently allocated for these reports from the second cycle onwards, so that only one report would be due in Years 2 and 3 from States, thus reducing the future costs of the Calendar in relation to the first cycle, (alternatively, these slots might be assigned to new treaties establishing reporting obligations that might be adopted in the future). Any offset would only occur as a result of increases in the ratifications that may be deposited in the future. In this regard, it is important to note, as highlighted in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), that a regular comprehensive review of the workload of the treaty bodies, possibly every two years, is needed in order to provide for any additional resource requirements emanating from new ratifications.

Harmonization of other working methods to operationalize the Calendar

To benefit from the full potential of the Calendar, I encourage those committees and States parties that continue to work through the traditional reporting process to consider accepting the Simplified Reporting Procedure (SRP — previously referred to as List of Issues Prior to Reporting; see section 4.2.1). The combination of the already focused questions made possible under the SRP and the brief delay suggested under the Calendar between submission and consideration of a report would diminish the need to request updates on State party reports, thus alleviating the need for traditional Lists of Issues. The treaty bodies that decide not to adopt the SRP should consider revising their procedures so as not to require written answers to their lists of issues, but rather use the lists to guide States parties on the critical issues to be raised in the dialogue.[29]

Relationship with other proposals in this report

As a mere scheduling tool to rationalize the reporting process, the Calendar is compatible with but not dependent upon the other proposals contained in the present report that address, inter alia, the contents, format, length, duration or other aspects of the reporting process, whether of the reports, dialogues or concluding observations. It is also independent of other tasks undertaken by the treaty bodies. The workload for individual communications is taken into account in the present proposal, as explained below. The workloads associated with other tasks (such as for example inquiries) must be assessed in their own right.

Many other proposals contained in this report would impact positively on the potential benefits of the Calendar. In particular, the Calendar would work best if States parties that do not have a standing national reporting and coordination mechanism were to establish one (see section 4.5.4). My Office can, in line with its programmes, provide assistance upon request, the practicalities of which are presented in section 4.5.3.

Other proposals that are cost-saving or cost-neutral would improve the effectiveness and efficiency and diminish the additional resources required from the

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[29] The Committee on the Elimination of Racial Discrimination currently does this through its Lists of Themes, which it prepares after the receipt of a report and shares with the State party delegation prior to the dialogue on that report without requesting written replies.

Calendar. For example, the nearly $15 million per year that would be required if summary records were issued in three languages under the Calendar would be significantly reduced if the issuance of summary records were limited to one language. If summary records were replaced entirely by indexed, searchable webcasting, then the on-going operational costs (above the initial installation costs) would be further reduced by another significant margin.

Added value of the proposal

The adoption of the Calendar would:

- Eliminate the unequal treatment of States parties by operating on the basis of universal compliance with reporting obligations;
- Conform to existing reporting obligations, i.e. not create additional workloads, under the treaties, without need for treaty amendment;
- Allow for planning far in advance by all stakeholders at a reasonable pace of work;
- Encourage continuity between reports by national actors, in particular through the establishment of standing national reporting mechanisms that will build expertise over time;
- Prevent backlogs of reports to be examined from accumulating again;
- Eliminate wastage by ensuring that all reports submitted to the treaty bodies are considered quickly, thus ensuring that all translated documents are used for their intended purpose and minimizing the need for updating information;
- Eliminate scheduling changes in treaty body sessions;
- Eliminate the need for continuous ad hoc requests from the treaty bodies to the GA for more resources;
- Be able to be combined with any and all other proposals in the present report to maximize the effectiveness and efficiency of the reporting process.

The Comprehensive Reporting Calendar would be consistent with the existing legal obligations to submit reports under the treaties, the original object and purpose of which is to ensure a periodic review of the implementation of the treaties by every State party, without exception and without discrimination, in a way that the current process is unable to guarantee. By harmonizing the cycle across all the treaties at five years, it would alleviate the reporting requirements for the States that are parties to the treaties with a shorter cycle of two or four years. The modalities of the Calendar could be worked out without the need to amend the treaties, as indeed one treaty body[30] has decided to do in advance of the comprehensive solution that the global Calendar offers, based instead on the reporting obligations of its own State parties.

By establishing deadlines for the full cycle at once, which would need to be adjusted only to reflect new ratifications, the Comprehensive Reporting Calendar would help States parties and other stakeholders keep pace with the reporting obligations by allowing planning and preparation to be undertaken with predictable timelines that are made known well in advance.

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[30] Committee on Migrant Workers, at its fifteenth session held in September 2011.

The impact on the dialogue that follows would also benefit from advance planning. States parties that faithfully submit their reports on time would not be pushed back to later sessions due to the submission of a report from another State party considered to merit more urgent attention, nor would they be suddenly called to an earlier treaty body session due to the failure of other States parties to appear. At present, both situations are common. As late scheduling changes normally do not allow sufficient time for the organization of a dialogue with another State party, the current situation inevitably results in reduced efficiency. Under the Comprehensive Reporting Calendar, all States parties would be able to proceed with their planning unaffected by the (non-)compliance of other States parties.

If provided with the full resourcing to enable the calendar to function, the treaty bodies would no longer need to submit ad hoc requests for additional resources, including meeting time, from the General Assembly. The requests currently before the General Assembly would all have been addressed. However, the future evolution of the workload of the treaty bodies, particularly in light of any increased ratification of the treaties, would still need to be regularly reviewed by the General Assembly, as proposed in the report of the Secretary-General, possibly every two years. Failure to do so would lead to backlogs quickly growing again after the completion of the exercise.

Spreading reporting deadlines across five years would enable States parties to ensure that their national reporting mechanisms are able to accumulate expertise and maintain a sustainable momentum. For the majority of States that are a party to the six oldest treaties (over 150 States are a party to ICCPR, ICESCR, ICERD, CEDAW, CAT and CRC), the national reporting mechanisms would never risk being overwhelmed from owing multiple reports in a single year and then falling dormant in others. The same would apply to other stakeholders who wish to contribute supplementary information.

With the certainty that the next reports will be examined as scheduled, the treaty bodies that regularly request information through a follow-up procedures would need to do so less intensely due to the re-established periodicity of consideration of States' reports. This will be particularly true with regard to treaty bodies following up on recommendations related to treaty provisions that are common to a number of treaties; in other words, when one treaty body knows that a State party will be examined by another treaty body within two or three years of its review, the need for that treaty body to request additional information will become less compelling

The certainty that they would be responsible for preparing subsequent reports under any given treaty would empower standing national reporting and coordination mechanisms to coordinate not only reporting activities but also to follow up on the implementation of recommendations in the intervening period. Most importantly, the steady pace of report preparation and follow-up would lead national mechanisms to facilitate a continuous dialogue and to improve coordination among the concerned Government ministries and agencies, their own NHRIs, civil society actors and other national partners, to the benefit of all parties involved (see section 4.5.4).

Cost of the proposal

At the outset, it must be emphasized that any initial costs in implementing this proposal would be rapidly offset by the benefits and increased efficiencies highlighted above. The annual costs of implementing the proposal for a fixed Calendar on State party reporting and to tackle annual average workloads in relation to individual communications would amount to $108 million ($79 million for conference services including documentation and additional conference services staffing; $12 million for experts' DSA and travel and $17 million for human rights officers staff costs), **not including costs for associated infrastructure improvements nor for other mandated activities by some of the treaty bodies, such as inquiries**. This would represent an increase of approximately $52 million above the existing budget allocations.

Meeting time, travel of experts, conference services, conference facilities

The annual costs would amount to $91 million ($79 million for conference services including documentation while taking into account strict page limitations and additional staff; and $12 million for experts' DSA and travel), in contrast to the present allocation of $42 million and an increase of $49 million (116%) of the current allocations.

The meeting time of the treaty bodies to review State party reports and individual communications would increase from the current allocation of 73 weeks to 124 weeks annually (108 weeks for State party reports and 16 weeks for individual communications). The 108 weeks required for reports under this proposal represents an 8% decrease over the 117 weeks that would be required today if the periodicity in the treaties was strictly adhered to.[31]

In addition, the current and anticipated high concentration of meetings in Geneva would require additional conference rooms with interpretation facilities capable of handling all six official languages. UNOG and OHCHR would also require office space for additional conference servicing and human rights staff. While this could entail a significant investment in conference facilities and infrastructure in Geneva, it is a situation that will have to be faced in any event in the near future, regardless of the treaty body strengthening process.

Staffing

Adjusting to a five-year cycle entails a need for a total number of 68 P-3s, i.e. 53 P-3s to deal with 263 State party reports[32] and 15 P-3s to deal with 160 individual communications[33] annually. This implies a need for 34 more staff at the P-3 level at $ 6.9 million, in addition to the 34 staff that currently work for the treaty bodies at the P-3 (and very few at the P-2) level. This is also apart from the 10 P-4-level Committee Secretaries — one per treaty body — who are responsible for the overall substantive and organizational preparations of the Committee's work, both for the sessions and inter-sessionally, including supervision of the work of the P-3 staff. In addition, adequate logistic and administrative support to committee meetings requires one additional General Service staff per Committee, i.e. an additional 9 GS at $1.7 million under the Calendar, which also represents a doubling from the present level of 9 GS staff to 18.

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[31] See the Report by the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system, A/66/24680, paragraph 31.

[32] Presuming the availability of each staff member at 10 work-months per year (one calendar year, less the established regular annual leave and sick leave entitlements) and estimating the workload associated with the average State party report, from its submission to the adoption of concluding observations, at two work-months of one staff member per report.

[33] Two weeks for drafting a case at 10 work-months available per staff member annually.

The 53 P-3 staff that are required to assist in relation to the review of State party reports, under the guidance of the treaty body experts and respective Committee Secretary, conduct research, analyse information received from the State party and other sources, provide assistance in drafting Lists of Issues and concluding observations, and fulfil other related tasks included in servicing the Committee meetings.[34] In relation to the review of 160 individual communications annually, eight staff would be required at the P-3 level for the drafting of the cases, as well as seven staff at the P-3 level to process incoming correspondence (currently an average of 7,500 pieces of correspondence received per year) and case management (of the approximately 500 pending registered cases), as well as to perform miscellaneous tasks, such as drafting analytical papers and chapters of the annual report.

UNOG would require a mix of additional resources, including additional permanent capacity and increased funding for freelance staff and contractual translation, which is included in the above costing of $79 million for conference services. The exact mix of resources would be determined by the languages agreed upon for interpretation and translation, the word limits on reports and the periodicity of the reporting cycle.

Other options

1. As proposed in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), the system could be brought up to date through eliminating the current backlogs in a single ad hoc exercise, should the Calendar not be adopted. This proposal would entail the review of the 269 State party reports and 460 individual communications pending review in 2012, requiring additional meeting time and staff. Such an exercise would cost more than the estimated annual cost of the five-year Calendar. It would not be possible to implement it over one year but could take two or more years, during which time new reports and communications would continue to be received. This option would ease the pressures on the system today, but would allow a continuation of the unequal compliance by and treatment of States parties. By not granting the treaty bodies a permanent increase in meeting time there would soon be a built-up of another backlog; in other words, this option would fall short of providing a comprehensive solution. Under this option, it would remain important that a comprehensive review of the workload of the treaty bodies be undertaken regularly to factor in the evolving resource requirements of the treaty bodies. To clearly establish the costs, an updated review of the current backlogs should be undertaken once decisions are taken on this report.

2. If the status quo were to be maintained and as demonstrated through a workload study undertaken in 2010, which found a 30% gap between the number of

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[34] Also included are the delivery of technical cooperation activities, organization of Days of General Discussion, assistance with the elaboration of General Comments, and other tasks that, while not possible in reality to be attributed to every report, can be estimated per report from the global figures.

Human Rights Officers required to support treaty body sessions and the number in place (RB and XB posts), HRTD faces a shortfall of some 13 P-3 staff (at an estimated USD 2.6 million annually). To clearly establish the appropriate number of posts to provide an adequate level of support today, an updated review of the current and projected workload should be undertaken once decisions are taken on this report.

My view is that a global five-year cycle would be most faithful to the original reporting cycles established under the treaties. Other alternatives or suggestions have however been made during the consultation process to make the Comprehensive Reporting Calendar less costly, notably:

- Alternative reporting cycles of e.g. 7 years, relaxed from the 5-year cycle, to reduce the annual requirements for meeting time, documentation, etc. a 7-year cycle, for example, would require an increase amounting to USD 21 million instead of USD 52 million under the five-year cycle[35].
- Examining reports in parallel chambers, by those treaty bodies with a sufficient number of experts (all but one), with a view to reducing annual meeting time requirements and thereby DSA costs. The same number of reports would be reviewed annually and thereby documentation costs would remain at the level indicated above. Work in parallel chambers also offer the treaty bodies a way of keeping pace with the Calendar without significantly expanding the time required to be spent in session, which might be easier for many treaty body members to accommodate. On the other hand, the savings in DSA would be offset by the need for even more conference facilities and for a new P-4 level Deputy Secretary in charge of the second chambers.
- Of note is that the cost under the five-year Calendar cycle includes a total of nearly $15 million annually for the issuance of summary records in three languages. If reduced to one language, the cost would be only $5 million (see section 4.2.5).
- Also of note is that the cost under the five-year Calendar cycle for conference services is based on the strict adherence to page limitations.

Recommendations

To States parties

Allocate the necessary resources for the treaty bodies to implement the agreed reporting periodicity and a five-year cycle;

Institutionalize a comprehensive review of the workload of the treaty bodies every two years, to factor in the additional resource requirements emanating from new ratifications;

To Treaty Bodies

Adopt the specific modalities for the reporting periodicity;

Simplify the follow-up procedures, bearing in mind that another TB might shortly review a related issue.

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[35] Total budget of 5 year cycle: 540 (108*5)/ Spread over 7 years: 77 per year (ignoring time value of money)/Current annual budget (RB+XB): 56. Increase: 21 (77-56).

The Comprehensive 5-year reporting calendar

			YEAR 1 for SPs →		*YEAR 2 for SPs →*		*YEAR 3 for SPs →*		*YEAR 4 for SPs →*		*YEAR 5 for SPs →*	
			HRCttee	CESCR	CRC	CRC-OP's	CAT	CED	CERD	CEDAW	CMW	CRPD
			167 SPs, 34 reports per year	160 SPs, 32 reports per year	193 SPs, 39 reports per year	Avg. 88 SPs[36], 17 reports per year	150 SPs, 30 reports per year	30 SPs, 6 reports per year	175 SPs, 35 reports per year	187 SPs, 38 reports per year	45 SPs, 9 reports per year	112 SPs, 22 reports per year
YEAR 1 for TBs ↓	States in Group 1 of UPR cycle	State report due	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
		Stakeholders add info due	+ 6 months	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
		TB – SP dialogue	+ 12 months (2015)	+ 12 m (2015)	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)
YEAR 2 for TBs ↓	States in Group 2 of UPR cycle	report due	2015	2015	2016	2016	2017	2017	2018	2018	2014	2014
		add info due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
		dialogue	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2015)	+ 12 m (2015)
YEAR 3 for TBs ↓	States in Group 3 of UPR cycle	report due	2016	2016	2017	2017	2018	2018	2014	2014	2015	2015
		add info due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
		dialogue	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2015)	+ 12 m (2015)	+ 12 m (2016)	+ 12 m (2016)

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[36] Not including the States parties that have already submitted their reports due under the Optional Protocols.

			YEAR 1 for SPs →		YEAR 2 for SPs →		YEAR 3 for SPs →		YEAR 4 for SPs →		YEAR 5 for SPs →	
YEAR 4 for TBs ↓	States in Group 4 of UPR cycle	report due	2017	2017	2018	2018	2014	2014	2015	2015	2016	2016
		add info due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
		dialogue	+ 12 m (2018)	+ 12 m (2018)	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2015)	+ 12 m (2015)	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)
YEAR 5 for TBs ↓	States in Group 5 of UPR cycle	report due	2018	2018	2014	2014	2015	2015	2016	2016	2017	2017
		add info due	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m	+ 6 m
		dialogue	+ 12 m (2019)	+ 12 m (2019)	+ 12 m (2015)	+ 12 m (2015)	+ 12 m (2016)	+ 12 m (2016)	+ 12 m (2017)	+ 12 m (2017)	+ 12 m (2018)	+ 12 m (2018)

4.2. The simplified and aligned reporting process

The reporting process is built on interlinked phases — the preparation and submission of the report by the State, a face-to-face dialogue with the treaty body considering the report and a follow-up to implement recommendations adopted by the treaty bodies both inter-sessionally and through the periodicity of reports, which therefore have to be submitted on time. It forms a continuum, with each cycle building on the one that preceded it, thus creating the momentum of acquiring experience, enriched by regular reporting and achieving sustainable improvement in the protection of rights-holders. It is also enriched with interactions with different stakeholders, including civil society organizations and national human rights institutions. The crucial role of United Nations entities is addressed in the chapter focusing on strengthened implementation and follow-up of treaty bodies' recommendations.

The present section brings together proposals aiming at simplifying and aligning the reporting process, namely the submission of Common Core Documents and regular updates, a "Simplified Reporting Procedure", strict adherence to page limitations for States parties' reports and reducing the number of languages for the translation of summary records. I also propose a methodology for a more effective constructive dialogue as well as for shorter and focused concluding observations, further institutionalization of engagement with other United Nations entities, as well as aligned models of interactions between treaty bodies, national human rights institutions and civil society organizations.

4.2.1. "Simplified Reporting Procedure" (SRP)

The proposal for a simplified and aligned reporting process would assist States to meet their reporting obligations while improving the quality of reporting through the adoption of an optional "Simplified Reporting Procedure" (SRP). It is a further refinement, in light of State consultations, of what was to date known as Lists of Issues Prior to Reporting (LOIPR), as explained in further detail below. States may choose between the traditional reporting procedure and the Simplified Reporting Procedure including under the Comprehensive Reporting Calendar proposal described in 4.1.

In either case, States parties would continue to be required to produce a comprehensive initial report as well as a regularly updated common core document as they deem necessary in light of major national developments. The Simplified Reporting Procedure would remain optional. Treaty bodies would seek the agreement of States well in advance of the drafting of the "Simplified Reporting Procedure" questionnaire which will be prepared only with the formal agreement of the States concerned.

Background

At its thirty-eighth session held in May 2007, the Committee against Torture adopted a new optional reporting procedure which consists in the preparation of List of Issues Prior to Reporting (LOIPR) to be transmitted to States parties prior to the submission of their respective periodic report (A/62/44, paragraphs 23 and 24). The optional reporting procedure aims at guiding States parties in the preparation and content of their periodic reports; facilitating the reporting process; and strengthening

States parties' "capacity to fulfil their reporting obligations in a timely and effective manner". After the submission of the State party's replies to the LOIPR, there is no need for a further request for additional information, which is traditionally conveyed by most treaty bodies through a List of Issues after States' reports are traditionally submitted, and before the consideration of its report, hence reducing the documentation and alleviating the reporting process for the Committee, the Secretariat and the State party. After introducing this procedure on a trial basis, the Committee against Torture decided, at its forty-second session in May 2009, to maintain it on a regular basis in light of the positive feedback received and the high rate of acceptance (75%) of the procedure by States parties.[37]

At its ninety-seventh session, held in October 2009, the Human Rights Committee decided to adopt this optional procedure. It determined that it has the capacity to adopt five LOIPRs per session during the pilot period. The five States parties to which the Human Rights Committee will send LOIPRs at each session will be selected according to three cumulative criteria.[38] At its fourteenth session in April 2011, the Committee on Migrant Workers also adopted the LOIPR optional procedure. To date, the Committee has also recorded a 75 % acceptance rate among the first States parties to which it has offered this option.

Added value of the proposal

The Simplified Reporting Procedure creates an opportunity (including in the context of the Comprehensive Reporting Calendar) to significantly streamline and enhance the reporting procedure with the strategic aim of making it more focused and effective. Indeed through their specific requests for information, the SRP questionnaire has the potential to make State parties' reports more focused, taking less time and less effort from States to respond to, and in turn impacting on the constructive dialogue and subsequently resulting in concluding observations that are more targeted, precise and implementable. By setting a limit to the number of questions, they will have to be focused on areas that the concerned treaty body sees as priority issues for consideration in a given country at a given point in time.

Furthermore, many States have indicated during the consultation process that they found it more helpful to reply to a set of focused questions than to provide information on all aspects of a treaty. They noted that this facilitates the distribution of tasks at the national level in respect of the preparation of State parties' reports. Also, the volume of documentation decreases while the depth and scope of the consideration of a State party report is maintained.

Should the Comprehensive Reporting Calendar not be adopted, the Simplified Reporting Procedure would have the potential to prompt timely reporting through the submission of replies to the Simplified Reporting Procedure questionnaire which

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[37] CAT/C/47/2, paragraph 18

[38] 1. States parties concerned will primarily be selected from among the list of States whose reports are due in 2013 and beyond, and which have informed the Committee of their agreement to follow the new reporting procedure; (2) LOIPRs may be sent to States parties whose periodic reports are at least 10 years overdue, and which have agreed to follow the new reporting procedure; (3) States parties will be selected in chronological order according to the date on which their next periodic report is due. When several reports are due on the same date, they will be selected according to the date on which they informed the Committee of their agreement to follow the optional reporting procedure.

will reduce instances of long overdue reports. For example, it is quite significant to note that since CAT adopted this optional reporting procedure it has more than doubled the timely reporting compliance between 2010 and 2011 (increasing from 13% to 31% of reports due submitted on time). The replies to the SRP questionnaire would constitute the report, and no further written information would be required from the State until the dialogue with the concerned treaty body. As compared to the traditional reporting procedure, this means reducing one step in the process, namely the State party's written replies to the List of Issues that are sent to the State party once a report is submitted, as indicated in the graph below. Concluding observations would be based on this simplified procedure and thus set around priorities that would facilitate implementation by States. The Simplified Reporting Procedure would also facilitate the timely translation of documents for treaty body sessions.

Traditional reporting procedure

Step 1	**Step 2**	**Step 3**	**Step 4**
State party submits initial or periodic report to a treaty body. Report is sent for translation	Treaty body prepares and sends List of Issues (LOIs) to the State party (except in the case of CERD which sends Lists of Themes to State parties for the purpose of the dialogue). LOIs are sent for translation	State party submits written replies to LOIs which are sent for translation	Dialogue is conducted on the basis of the State party's report and replies to LOIs

Simplified reporting procedure

Step 1	**Step 2**	**Step 3**
Treaty body sends SRP questionnaire largely based on previous recommendations to State party in the case of a periodic report	State party submits periodic report based on the SRP questionnaire. Report is sent for translation	Dialogue is conducted on the basis of the State party's report in reply to SRP questionnaire.

Cost of the proposal

This proposal represents a potential saving for both States parties and the United Nations. To date, the List of Issues prior to reporting has led to shorter States reports. By way of example, 20 States have submitted their report to date to the Committee against Torture under the new optional reporting procedure. The cost relating to the processing and translation of these reports amounted to $1,480,022. Compared to the same States' reporting under the traditional procedure in the previous reporting cycle (comprising of a report and replies to a List of Issues) the costs would have amounted to $1,719,848. This represented an average saving of $13,338 per State party report. This estimation is based on the experience of the early days (starting in 2007) of one treaty body; one can already see that the List of Issues prior to reporting have been somewhat reduced in size from the initial ones and therefore one sees today even further savings with shorter LOIPRs and States' reports. However, at the initial phase of the procedure additional temporary human resources are needed to support the drafting of more SRP questionnaires by committees. To clearly establish the appropriate number of posts to provide an adequate level of support, an updated review of the current and projected workload should be undertaken once decisions are taken on this report.

Further savings could also be made if page limitations were applied and adhered to strictly as per the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1) under the traditional reporting procedure, and if a limit were set to the number of questions posed.

Recommendations

To treaty bodies

Committees that have not yet introduced this optional simplified reporting procedure are encouraged to adopt it irrespective of their current backlogs together with a model SRP questionnaire with a maximum of 25 questions/2,500 words.

Committees that have introduced this procedure should adopt a common format for the SRP questionnaire. Such a format of the questionnaire should cover the following and be divided into the following sections:

1. Follow-up and implementation of the Committee's previous recommendations/ Information provided on measures taken by the State party to implement the Committee's previous recommendations and provisions of the treaty, should cover, as appropriate, the following areas: (a) Policy; (b) Legislative; (c) Judicial; (d) Institutional; (e) Programme and project; (f) Budgetary; and (g) Other.

2. Adoption of other measures and recent developments relating to the implementation of the treaty [no question but space to be used by the State party.

3. Responses to specific questions on developments that have occurred in the State party since the previous review.

Treaty bodies who implemented LOIPR are requested to provide a global assessment of this procedure for the benefit of States and other committees who did not adopt it yet as done recently by CAT. Treaty bodies may wish to seek the views of the States parties in this regard.

To States parties

To consider positively the SRP as a means of reporting in a simplified manner to the treaty bodies offering this option.

For those States parties that have accepted the optional procedure in respect of one of the treaty bodies that have introduced it, and have undergone the process of preparing the replies to the LOIPR and subsequent review by one of the treaty bodies concerned, to provide their assessment of the process.

To other stakeholders

United Nations entities, national human rights institutions, civil society organizations and other interested stakeholders are encouraged to submit focused information, following the format of the SRP questionnaire, to the relevant treaty bodies in accordance with the deadlines established by those treaty bodies

4.2.2. Submission of Common Core Documents and regular updates

Better and increased use should be made of the Common Core Document (CCD) and treaty body specific reporting guidelines. This proposal complements those on the "Comprehensive Reporting Calendar", the "Simplified Reporting Procedure" and "Streamlining, focusing and reducing costs of States parties' reports by limiting their length" (see below).

Background

In 2006, the Fifth Inter-Committee Meeting (ICM) and eighteenth meeting of chairpersons adopted the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a Common Core Document (CCD) and treaty-specific documents" (HRI/MC/2006/3 and Corr.1). This initiative came from previous reform discussions and was conceived as a tool to enhance State reporting by capturing in one place questions on the substantive treaty provisions that are congruent to all or several treaties, together with other information of general interest.

In the course of the treaty body strengthening process, it has been reiterated by several States parties, as well as other stakeholders, that the CCDs constitute the backbone of the reporting process, that the use of the CCD simplifies the preparation and presentation of national reports and that regular updating of the CCD is an essential feature of the system. The point has also been made that a consistent, clear policy on the use of the CCD by committees would assist States parties and that standardising the use of a CCD, with a treaty-specific Simplified Reporting Procedure (to date known as List of Issues Prior to Reporting (LOIPR) from respective committees), could be a good way to make the entire treaty body system more effective and efficient.

The full potential of this harmonized reporting system has not yet been reached. Since 2006, only 58 States parties have produced a CCD. The treaty bodies have not yet evaluated the contents and use of the CCD and treaty-specific documents.

Added-value of the proposal

Reports presented in accordance with the harmonized guidelines, including the CCD and treaty-specific documents, will enable each treaty body and State party to obtain a complete picture of the implementation of the relevant treaties, set within the wider context of a State's international human rights obligations, and provide a uniform framework within which each committee, in collaboration with the other treaty bodies, can work.

The use of the harmonized guidelines is essential to ensure the preparation and submission of focused reports, and thus a more focused reporting cycle as a whole. In this sense it complements adequately the simplified optional reporting procedure ("LOIPR"/"SRP"). The harmonized guidelines aim at strengthening the capacity of States to fulfil their reporting obligations in a timely and effective manner, including the avoidance of unnecessary duplication of information.

The submission of CCDs as well as regular updates or annual annexes, as needed, will in turn allow for shorter and more targeted treaty specific documents and consequently more focused concluding observations.

The process of preparing such reports also provides an opportunity to take stock of the state of human rights protection at the national level and to make use of this opportunity for the purpose of policy planning and implementation.

Cost of the proposal

This proposal has a potential for savings. The submission of CCDs as well as regular updates, as needed, and at least every five years along the cycle of the Comprehensive Reporting Calendar, will allow for shorter and more targeted treaty specific documents and consequently more focused concluding observations. If a CCD update is submitted in the form of an addendum to the original CCD (see below under recommendations to States parties), this will imply savings also with respect to the processing and translation of such an update (i.e. translation of a few pages of an addendum instead of translation of a full revised CCD).

Recommendations

To treaty bodies

To undertake an evaluation of the contents and use of the CCDs and treaty-specific documents, including by compiling indications of any good practice and lessons learned in their implementation.

When relevant, ensure that the questionnaire for SRPs complements the CCD.

To States parties

To use the simplified and harmonized reporting system as a whole, consisting of a CCD and a treaty-specific document or a SPR report in order to provide the treaty bodies with a comprehensive understanding of the implementation of the relevant treaty by the State.

To take advantage of the possibility of streamlining their treaty reporting by submitting a CCD, if they have not done so already, and make ample cross-referencing to it in their treaty-specific documents.

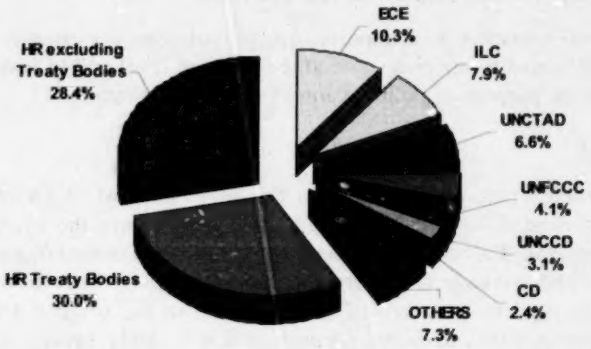
To adhere strictly to the page limit of 60-80 pages for CCDs in accordance with the harmonized guidelines (HRI/MC/2006/3, paragraph 19).

To provide subsequent and regular updates of the CCD as needed in cases of major legislative, political and/or institutional changes, and at least every five years along the cycle of the Comprehensive Reporting Calendar. If no update is considered necessary by the State party, this should be so stated in the treaty-specific document. When an update becomes necessary, such an update should, where feasible, be submitted as an addendum to the original CCD (see above).

4.2.3. Strict adherence to page limitations

I urge all stakeholders to strictly adhere to page limits and States to limit the length of their reports.

Total in-house translation/revision in 2011, main clients



190'654 pages
Source DRITS, not included the Contractual figures (44'050pages)

Background

In 2006, the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" established that "if possible, common core documents should not exceed 60-80 pages, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages". The Committee on the Rights of the Child allows for periodic reports up to 60 pages maximum, as "a majority of States parties must include information on the Convention as well as the two Optional Protocols" (CRC/C/58/Rev.2, paragraph 11). The twenty-second annual Meeting of Chairpersons requested the Secretariat to ensure that existing page limits were applied in practice, including by conveying the concerns expressed by the United Nations Conference Services to all States parties through a note verbale and by requesting States parties whose reports would not meet such requirements to review and eventually resubmit their reports in accordance with the above-mentioned guidelines. Such a note verbale was sent to all States parties by the Secretariat in September 2010.

All United Nations human rights documentation, including at the General Assembly, Human Rights Council and for treaty bodies are subject to strict page limitations, with the exclusive exception of State party reports submitted to the treaty bodies. The Universal Periodic Review of the Human Rights Council has set and enforced strict page limitations (20 pages) for the reports submitted by States under that procedure (HRC/5/1, paragraph 15 (a)).

Added value of the proposal

- Streamlined and more efficient reporting by States parties;
- More focused reports allowing for a more structured and meaningful constructive dialogue and subsequently more focused and concrete concluding observations;
- Speedier processing and translation of State parties' reports due to the alleviation of the workload of Conference Services.
- Reduction in the number of pages to be processed and translated resulting in financial savings that may be reinvested to ensure that the treaty bodies receive all documentation in a timely manner in the languages needed, which is currently not the case in light of constraints faced by the Department of Conference Management.

Cost of the proposal

This proposal leads to savings. The translation of a State party report of 60 pages into five other United Nations languages costs approximately $110,000; a 100-page report $190,000 and a 300-page report, which is not uncommon, costs $560,000[39].

The table below indicates that in 2011, of the 115 State parties' treaty specific documents examined by the treaty bodies, 64% of the periodic reports considered that year exceeded the 40-page limit indicated in the harmonized guidelines and 33% of the initial reports exceeded the 60-page limit. This amounted to a total of 2,922 pages above the limit. Had page limits been respected, in 2011 an estimated amount of USD 5,5 million in translation capacity could have been directed to the translation of other documents of the treaty bodies and thereby improve their timely issuance.

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[39] Average full cost of translation (including editing, referencing and quality control) of one page to the five other languages is approximately $1,900-2,000.

Types of reports reviewed in 2011	*Total number of reports reviewed in 2011 (115)*	*Number of pages of documentation over the page limit*	*Amount spent on documentation over the word limit (US$)*
Periodic reports	85		
Initial reports	30		
Periodic reports over the 40 page limit	54 (64 %)	2 704	5 137 600
Initial reports over the 60 page limit	10 (33 %)	218	414 200
Totals		**2 922**	**5 551 800**

Recommendations

To treaty bodies

To systematically remind States parties in all concluding observations and relating correspondence with States parties of the need to adhere to the page limits indicated in the Harmonized guidelines on reporting under the international human rights treaties, including guidelines on common core documents and treaty-specific documents (HRI/MC/2006/3 and Corr.1), and to return to States parties documents which exceed the page limits with a view to shortening them. I recommend that a defined flexibility in the implementation of these guidelines may be applied with respect to Federal States or States with Overseas Territories which may be granted an extension of 20 additional pages.

For those Committees that adopt the optional procedure of "Simplified Reporting Procedure" (or Lists of Issues Prior to Reporting (LOIPR)), to pose a maximum of 25 questions/2,500 words so as to facilitate adherence by States parties to the page limits when preparing their replies.

To reduce the number of recommendations made to States parties in the concluding observations to a maximum of 20 recommendations/2,500 words and focus these around priorities so as to ensure that subsequent States parties' reports comply with the suggested page limits.

To States parties

To adhere to the page limit set in the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3).

To focus reports on the implementation of the last set of recommendations issued and latest developments, to facilitate compliance with page limits.

To provide additional information in annexes to reports, if possible in one of the working languages of the Secretariat, taking into account that annexes are made available to the treaty bodies only in the original language as received.

4.2.4. Aligned methodology for the constructive dialogue between States parties and treaty bodies

I support the proposal that all treaty bodies adopt an aligned methodology in the form of written guidelines for the constructive dialogue between States parties and treaty bodies to maximize the use of the time available and allow for a more interactive and productive dialogue with State parties in the context of the reporting process. Such guidelines should include measures to strengthen the constructive dialogue through increased discipline, stronger chairing, as well as strict limitations on the number and length of interventions. The expectations of States parties and the views expressed during the State consultations also provide useful elements from which treaty bodies can benefit in elaborating the suggested aligned methodology. This includes better balancing of use of time by States parties and treaty body experts, refraining from duplicating questions and better coordinating the interventions of experts.

Background

In general, the face-to-face or constructive dialogue in all treaty bodies follows the same broad structure: (a) The State party is invited to send a delegation to attend the meetings at which the committee will consider the State party's report; (b) The head of the delegation, usually led by Government experts from the capital, is invited to make a brief opening statement; and (c) Members of the committee, in some cases led by the country rapporteur(s) or country task force members, pose questions on specific aspects of the report of particular concern. Dialogues based on an initial report require the treaty body to cover most if not all treaty provisions in order to allow a complete understanding of the country situation; dialogues on a periodic report require more focused attention on a number of key specific issues and provisions which the State party is not yet fully implementing. In practice, depending on the treaty body, there is regularly no difference or a superficial difference between the dialogue for an initial report and the one for a periodic report. Many periodic dialogues are similar to comprehensive ones for initial reports and discussions on the implementation of the previous concluding observations often remain marginal to the dialogue.

However, there are currently significant variations with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with States parties, and several stakeholders have repeatedly highlighted the need to improve the efficiency and structure of dialogues with a view to increasing its impact, including through better time management and a more balanced exchange between treaty body members and State party delegations.

Added value of the proposal

- A more structured, focused and meaningful dialogue, including a more balanced and productive exchange, will enhance the understanding of the human rights situation in the State party, resulting in more relevant, focused and implementable concerns and recommendations.
- For periodic reports, the dialogue will be more focused on the implementation of previous treaty body recommendations, allowing progress to be traced over time.

- A more aligned methodology for the constructive dialogue will also facilitate the engagement of States parties, rather than obliging them to adapt each time to different requirements.
- It will also enhance the opportunity for States parties to receive expert advice on how to improve the implementation at the national level and hence compliance with the international human rights standards.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To treaty bodies

To adopt written guidelines which contain the following elements:

- The allocation of a maximum of two meetings (six hours) for the interactive dialogue with a State. The two sessions should be held on two consecutive days (afternoon-morning);
- The establishment of country task forces (taking geographical and gender balance into account) for the examination of State party reports, consisting of between two to five treaty body members, which would prepare the dialogue with a State party, including through prior consultation and coordination of issues and a clear distribution of questions during the interactive dialogue to avoid repetition and overlap. These coordination tasks could be led by the country rapporteur(s). All task force members would pose the initial and the majority of the questions and follow-up questions could be posed by other members not serving on the task force;
- Questions to be clustered by themes. In principle, the dialogue could be divided to allow for a total of three hours to the treaty body experts and three hours to the State party, including the opening statement. Treaty bodies should allow a short break between clusters of questions in order for the delegation to prepare its responses;
- Strict allocation of a maximum limit of 15 minutes for States parties' opening statements;
- Strict limitation on the number and length of interventions through use of a speech timer;
- The dialogue for periodic reports should focus only on the most significant human rights issues and the follow-up given by States parties to the previous concluding observations;
- Chairpersons are to continue to exercise their power to lead the dialogue effectively so as to ensure a balanced exchange between treaty body members and the State party delegation.

To States parties

- To be represented by well-informed delegations comprising both high-level officials and technical experts, including members of Parliament and of the judiciary, who can respond to the issues raised by the treaty bodies and benefit from the dialogue with them. In the event that the delegation does not have the relevant expertise, it should ensure direct communication with the capital, such as through video link, in order to provide the requested information promptly to the treaty body;

- To limit the opening statements during their meetings with treaty bodies to 15 minutes;
- To provide short, precise and concise replies to questions asked (using the cluster approach referred to above).

4.2.5. Reducing translation of summary records[40]

I encourage all treaty bodies to review their entitlement regarding summary records and the languages to which they are entitled. If webcasting were introduced, it could replace summary records for public meetings and the review would be limited to the entitlement of summary records for closed meetings.

Background

Summary records are the official records of meetings compiled by precis writers dispatched by conference management. Summary records are not verbatim records but a condensed version of meeting proceedings.

Treaty bodies currently have different practices in regard to their entitlements and use of summary records. Some treaty bodies require summary records for all meetings while others do so only for public or selected meetings. While most summary records are read only in case of particular need for clarity, certain treaty bodies use summary records routinely.

While summary records should be translated in all six official United Nations languages (A/66/RES/233, section IV, paragraph 1 emphasizes the paramount importance of the equality of the six official languages of the United Nations), the limited resources available has resulted in significant backlogs in translation. There are also audio recordings of proceedings. CEDAW decided in 2007 that its summary records are to be issued in English only.[41]

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[40] Press releases will continue to be prepared at the end of each constructive dialogue with a State party.

[41] In CEDAW's decision 39/II, (39th session, 23 July - 10 August 2007) the Committee decided that summary records of its meetings were to be issued in English only, as a temporary measure for the biennium 2008-2009, and to revisit that decision in 2009. It has not yet done so.

Current requests for summary records by treaty body

TB	*Public meetings*	*Closed meetings (Restricted SR)*
HRCtee	Yes	General — Yes Communications – No
CESCR	Yes	No
CERD	Yes	Yes, with some exceptions
CEDAW	Yes	General – No, with some exceptions Communications — Yes
CRC	Yes	No
CAT	Yes	Closed meetings – Yes, with some exceptions
SPT	N/A	Plenary meetings – Yes Non-plenary meetings – No
CMW	Yes	No, with some exceptions
CRPD	Yes	No
CED	Yes	No

Cost of the proposal

Any measures to reduce the number of languages in which summary records are currently being issued would release documentation processing capacity and improve timely issuance rates for translated documentation to the treaty bodies. If for example under the Comprehensive Reporting Calendar, summary records are prepared in only one language for a limited number of meetings and replaccd by webcasting for all public meetings, there would be a very high potential cost saving in relation to the USD 15 million costed annually for summary records in 3 languages under the 5 year cycle- off-set by the costs for webcasting.

Recommendations

To treaty bodies

Each treaty body should review its summary records entitlement, with a view to:

- reducing the number of languages in which translation is required;
- determining the specific meetings for which to request Summary Records;
- having Summary Records drafted only upon request and on the basis of the sound recordings.

4.2.6. Focused treaty body concluding observations

I encourage the treaty bodies to take a number of measures to adopt more focused concluding observations. The treaty bodies should strive to formulate concluding observations that contain concrete and achievable recommendations. There is a strong need to focus on priority concerns, and in addition, to make concluding observations more user-friendly for States parties (which could include the introduction of a standard clear format with sub-headings), as well as for all stakeholders that might monitor their implementation. The format and content of concluding observations will easily be more focused if the proposals for a Simplified Reporting Procedure and an aligned methodology for conducting constructive dialogues are implemented.

Background

All treaty bodies have adopted the practice of formulating "concluding observations" following the consideration of the reports of States parties. In general, they take the following structure: introduction; positive aspects; principal areas of concern and recommendations. Their main objective is to identify, in a constructive manner, the problems and challenges that exist in States parties to the protection of human rights and to assist States parties to address them through recommendations for action.

Concluding observations can thus be fundamental tools for State parties in complying with their treaty obligations; a State party, in its next periodic report due to a Committee, should inform that Committee about the measures it has undertaken to implement the previous concluding observations. It is therefore of paramount importance that concerns, but more particularly recommendations, be concrete and specific. Both should fit the particular situation facing the State that they address. The accuracy and quality of the recommendations of treaty bodies are crucial attributes that need to be maximized so that they can be used effectively by all stakeholders to promote change at the national level.

At the eleventh inter-committee meeting (ICM) in June 2010 and the twelfth ICM in June 2011 it was recommended that each treaty body explore ways of reducing the length of its concluding observations and the treaty bodies were encouraged to produce focused recommendations, limiting the length of paragraphs and number of subparagraphs by focusing on the main areas of concern, and, if appropriate, to use subject headings. To this end, the meeting encouraged treaty bodies to draft concluding observations using a clear format.

Current average length of concluding observations per treaty body

Treaty	*Number of substantive provisions*	*Average number of pages in the concluding observations*
International Convention on the Elimination of All Forms of Racial Discrimination	7 articles	6-7
International Covenant on Civil and Political Rights	27 articles	6-7
International Covenant on Economic, Social and Cultural Rights	15 articles	8-9
Convention on the Elimination of All Forms of Discrimination against Women	16 articles	11-13

Treaty	*Number of substantive provisions*	*Average number of pages in the concluding observations*
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	**16 articles**	**10-11**
Convention on the Rights of the Child	**41 articles**	**20-21**
Optional Protocol on the sale of children, child prostitution and child pornography	**10 articles**	**7**
Optional Protocol on the involvement of children in armed conflict	**7 articles**	**7**
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	**71 articles**	**8-9**
Convention on the Rights of Persons with Disabilities	**33 articles**	**8**

Added value of the proposal

- **When treaty body concluding observations are short, focused and concrete, the recommendations contained therein can be more easily translated into concrete legislative, policy, programmatic and institutional improvements;**
- **Improvements in the content and quality of the concluding observations will increase the standing and visibility of individual treaty bodies – and the treaty body system as a whole;**
- **Issuing more focused recommendations will facilitate their national implementation by States parties and follow-up by national human rights institutions;**
- **The use of a clear format and inclusion of titles (subject headings) would facilitate the indexing of treaty body recommendations, and would be conducive to more effective implementation and follow-up by the responsible State entities;**
- **The utility of treaty body recommendations for other human rights mechanisms, including special procedures and the UPR, would be much enhanced if they were more focused and precise.**

Cost of the proposal

The proposal has a potential for savings, as more focused concluding observations should naturally lead to a reduction in the number of pages requiring translation which would release capacity that could be directed to the translation of other documents of the treaty bodies and thereby improve their timely issuance.

Recommendations

To treaty bodies

- To adopt the enclosed example of a common format for the drafting of concluding observations and to include titles (subject headings) therein;
- To reduce the length of their concluding observations in order to achieve greater efficiency and impact. The word limit for in-session translations (3,300 words/6 pages) could be used as guidance, taking into account the number of substantive provisions and the scope of each treaty concerned;
- To ensure that the reporting cycle focuses on priority issues in the State under review, that concluding observations are country specific and targeted and that previous concluding observations are the point of departure of each new reporting cycle. In addition, the concluding observations should reflect the issues raised by the treaty body concerned during the constructive dialogue;
- To formulate concluding observations avoiding recommendations of a general nature, the implementation of which cannot be measured, and to instead give concrete guidance about the steps needed to be taken to implement treaty obligations; recommendations that call for structural change, including in national legislation in order to bring it into line with the provisions of the relevant treaty should be made systematically;
- When possible, dividing concluding observations between immediate, and longer term priority issues, based on a balance between urgency and the feasibility of addressing the different issues within any given reporting cycle.
- If a particular treaty provision or standard has not been respected, to specify the articles in question for greater clarity;
- To ensure that recommendations of a programmatic nature or requiring positive steps by the State party include suggested indicators by which to measure achievement;
- When deemed relevant, to use cross-referencing and reinforcement of the recommendations of other treaty bodies, the UPR and special procedures mandate holders.

To States parties

- To use the previous concluding observations as a basis for their next report and to report on their implementation.

4.2.7. Further institutionalization of engagement with other United Nations partners

I support further institutionalized cooperation of treaty bodies with other United Nations entities to provide the most efficient support to the State party and other stakeholders in the preparation, review and follow-up to a State party review by a treaty body.

Background

Human rights are one of the three pillars of the United Nations and an essential perspective in any sustainable effort to promote development as well as peace and security. Over the last decade, there has been significant progress in mainstreaming human rights in the work of the United Nations system. While a solid partnership has developed between the treaty bodies and United Nations entities, there is potential to strengthen and systematize such cooperation to provide more efficient support to the State party and other stakeholders in the preparation, review and follow-up processes. Such support should build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence as well as drawing on the collective strengths of the system through the United Nations Country Teams.

Added value of the proposal

Institutionalization would lead to strengthened and systematized interactions of the United Nations system with all human rights treaty bodies, in support of the State parties and related stakeholders through cyclical engagement in preparation, dialogue and follow-up. Such reinforced engagement brings the following benefits to promotion and protection of human rights in the State party:

- Improved information input to the treaty bodies enhances the understanding of the human rights situation in the State party, resulting in more relevant, focused and implementable recommendations;
- Support to the State party during the treaty body process provides an opportunity for constructive dialogue between the State party and the United Nations system on human rights based on objective, independently identified concerns and recommendations; and supports relevant stakeholders. Each United Nations agency works with a distinct set of State interlocutors with respect to specific sectors and themes relating to treaty body recommendations can be strengthened through technical cooperation;
- Each United Nations agency has a distinct constituency among civil society whose participation in treaty body processes it can facilitate, both before and after a dialogue with a treaty body. United Nations agencies can also widely publicize the conclusions and recommendations of the treaty bodies of relevance to its mandate, thus raising awareness of those rights among the general public;
- United Nations agencies can promote the development of regional and global human rights standards on the rights of concern to them and pursue global programmes and plans of action to guide States to implement their treaty obligations.

Improved interaction between the United Nations system and the treaty body system provides important synergies to United Nations reform processes such as:

- Aligning coordinated United Nations Country Team (UNCT) support through 'Delivering as One' approaches, pursuing joint action and dialogue;
- Using treaty body recommendations in national UN programming and planning processes.

Cost of the proposal

The proposals in relation to the amendments to working methods can be implemented without the requirement of additional resources. Any further implications in country programmes and work plans should be considered by each United Nations entity and/or United Nations County Team.

Recommendations

To Treaty Bodies

To encourage and facilitate improved United Nations support to the treaty bodies processes, treaty bodies are recommended to align, as far as possible, and within their mandates, its diverse procedures of interaction with United Nations entities and develop jointly agreed upon generic guidelines for country-specific written submissions, including templates for joint submissions and oral briefings.

To United Nations entities

OHCHR will continue to facilitate the engagement of United Nations entities with the treaty body processes by:

- Keeping up-to-date, relevant, user-friendly and easily accessible information on the treaty body system on the OHCHR website, including a reporting calendar and database of recommendations, to facilitate other United Nations agencies access and use of such information.
- When possible, making available further technical support to the United Nations country teams through capacity-building programmes, including training courses, web-based information materials and secondments of human rights advisors.
- Developing guidance and promoting interagency exchanges of experience and lessons learned with a view to strengthening coherent approaches among United Nations agencies and country teams in supporting the treaty body processes.

I encourage United Nations Resident Coordinators, United Nations Country Teams and United Nations agencies to maximize the opportunities of the treaty body reporting process through capacity-building efforts, dialogue with the State party and providing technical assistance though a cyclical engagement with the human rights treaty bodies, through preparation, dialogue and follow-up as follows:

- In preparations for reviews, the United Nations Country teams are encouraged to provide coordinated input to the consideration of reports of States parties under the leadership of the Resident Coordinator or a designated lead agency, including progress achieved regarding implementation of previous recommendations. This does not preclude individual entities to submit thematic or specialized information and guidance.
- Where requested, the United Nations Country Teams support the State party and related stakeholders with advice, information and other support to facilitate their preparation of reports and participation in the dialogue with treaty bodies.
- After the reviews, support and facilitation of the translation and broad dissemination of the recommendations.
- For follow-up, under the leadership of Resident Coordinators, the United Nations Country Team and United Nations agencies may advocate and

encourage the State party and other stakeholders to follow up on the review and implementation of recommendations. In consultation with national stakeholders, UNCTs should develop programmatic responses to support the implementation of relevant recommendations, by systematically integrating the relevant outputs of all treaty bodies in UNDAF/UNDAP, country analysis, strategy, programme and work plans.

To States parties

To reflect, at the policy level through the Governmental Bodies of United Nations agencies, the principle that United Nations agencies should support the work of treaty bodies as relevant to their institutional mandates;

As needed, to address to UNCTs and OHCHR requests for technical assistance with regard to the preparation of State party reports and/or with regard to the implementation of priority or key recommendations.

4.2.8. Aligned models of interaction among treaty bodies, national human rights institutions and civil society organizations

I encourage the treaty bodies to adopt the model presented below to harmonize the way the treaty bodies engage with civil society organizations and national human rights institutions.

Background

National actors, such as national human rights institutions (NHRIs) and civil society organizations play an integral role in the cyclical engagement with the treaty body reporting process, through providing information, creating awareness and follow-up on the implementation of recommendations. However, the effective engagement of NHRIs and civil society organizations with the treaty body system is hampered by numerous factors including limited awareness, capacity and resources, the multiplicity of models of interactions with the treaty bodies, and in some cases alleged reprisals from the State party. Furthermore, as each treaty body has different engagement rules, national actors are not gaining from their experience, rather having to learn each time again how to cooperate with individual treaty bodies.

In the view of civil society organizations and NHRIs, the variety of models of interaction with the treaty bodies (format, timing of submission of written information and oral presentation) lessens the accessibility of the treaty body system, particularly for national and grass roots civil society organizations. This proposal suggests one model of interaction – based on best practices — that aims at addressing this concern.

The proposed model

I support the proposal that formal meetings with civil society organizations and NHRIs take place during the official public meeting time and for the three hours during a meeting to be divided as follows: two hours for civil society organizations and one hour for NHRIs. The meetings are scheduled on the first day of the week regarding the States parties' reports that may be scheduled for consideration during that week. In addition, one-hour private lunchtime briefings, organized by civil society organizations, are scheduled on the day prior to the consideration of the

State party's report. This model is already followed by several committees. NHRIs could also participate in these lunchtime briefings.

My Office will facilitate stakeholders' interactions with the treaty bodies by providing clear information on all steps in the reporting process and participation in treaty body sessions, including through the use of new technologies such as videoconferencing which would significantly reduce travel and participation costs.

Added value of the proposal

In accordance with the suggested model, interactions between treaty bodies would be institutionalized. As they would take place in the context of a public formal meeting of the committee:

- Their interventions are officially recorded,
- Interpretation is provided for, and
- State party representatives can hear the interventions of their countries; and
- Ensure that the information provided is timely and therefore most useful to Committee experts.

Given the severe time constraints that characterize formal meetings, being complemented by additional lunchtime briefings the day before the consideration of the State party's report would:

- Allow more organizations and NHRIs to address the Committee and thus be more participatory;
- Allow Committee members to pose questions, which is not possible when only receiving written submissions and is limited due to the time constraints of formal meetings, thus enabling a more in-depth discussion;
- Group the oral interventions by partners in the same week and thus help partners to arrange their travel schedules more economically, in contrast to some situations today where the intervention allowed in the formal meeting is more than a week before the lunchtime briefing.

Engagement rules between treaty bodies and their partners offer greater clarity and simplicity as a result of being aligned – therefore making the system more accessible and user-friendly. When put into action in combination with the proposal for videoconferencing, the potential participation of national partners would be enhanced even further. This would significantly assist treaty body partners. It would enable an organization to strengthen its capacity to interact with treaty bodies progressively instead of having to learn new working methods each time it interacts with a different committee.

Cost of the proposal

This model can be accommodated under the current allocation of resources as well as under the Comprehensive Reporting Calendar without requiring additional resources.

Recommendations

To treaty bodies

To adopt the above aligned model of interaction with stakeholders, in particular civil society organizations, NHRIs, and ensure full and inclusive participation of civil society organizations and NHRIs at all stages of the reporting process.

To States parties

To facilitate participation of NHRIs and national civil society actors willing to engage with treaty bodies.

To stakeholders

Where possible, to provide coordinated and more focused submissions to the treaty bodies of a maximum of 10 pages for single reports and 30 pages for joint submissions in a timely fashion, and to organize their interventions in a coordinated manner, with the understanding that these submissions will not be translated.

Where possible, coordinate oral interventions at both the formal meeting and lunchtime briefings, to make maximum use of the time available during both settings.

To facilitate the training of national civil society actors on how to best brief treaty bodies in order to maximize the time made available to them during the sessions.

Reprisals

Civil society organizations have called on the treaty bodies to take all necessary measures to prevent reprisals against human rights defenders, victims and witnesses and take appropriate action to provide remedies. The Secretary-General's report on reprisals has indicated that information was received about acts of intimidation or reprisal following cooperation with United Nations human rights mechanisms including the treaty bodies. Treaty bodies do not have a harmonized approach on this important issue and need to address it in a consistent manner which is suggested below.

Proposal

In order to safeguard interaction of civil society and NHRIs with the treaty bodies and ensure protection in case of reprisals against human rights defenders after engagement with the treaty body system, I propose that all treaty bodies should appoint a focal point among its membership to draw attention to such cases. This would facilitate access for civil society organizations and NHRIs with knowledge about cases of reprisals to address such cases to the treaty bodies.

Recommendations

To treaty bodies

To take urgent and consistent measures in case of reprisals against human rights defenders after engagement with the treaty body system, including through ensuring mechanisms for action and focal points in the treaty bodies and considering consistent action through other relevant mechanisms such as relevant Special Procedure mandate holders, OHCHR, and inclusion in the Secretary-General's report on reprisals.

To States parties

To prevent any form of reprisals against persons because of their engagement with treaty bodies. When reprisals occur they should be fully investigated and prosecuted and those found responsible should be punished accordingly. Victims of acts of reprisal should receive appropriate forms of redress.

4.3. Strengthening the individual communications procedures, inquiries and country visits

4.3.1. A joint treaty body working group on communications

The Committee on the Elimination of Racial Discrimination (CERD), in its letter of 9 March 2012, proposed the creation of a joint treaty body working group on communications, composed of experts of different treaty bodies. The recommendations emanating from the Working Group would be brought to the attention of the plenary of the treaty body to which the communication was addressed for formal adoption. I am ready to explore with the treaty bodies the modalities of such a mechanism and provide support to them in this regard.

Background

Currently, two treaty bodies (the Human Rights Committee and CEDAW) have between them a total of five weeks of dedicated meeting time annually at their disposal to discuss individual cases and make recommendations for adoption to the plenary. CAT, CRPD and CERD deal with individual communications within their plenary meetings, as will CED when communications start arriving. With the multiplication of individual communications' procedures, there is an increased need for coherence in treaty bodies' jurisprudence within the dictates of their treaty body mandates. During the previous reform initiative of 2006, a unified body to review petitions was proposed. The present proposal would not require treaty amendment. At the expert meeting on petitions in October 2011, experts agreed that the possibilities of a joint body/Working Group on Communications needed to be further explored.

Added value of the initiative

Development of consistent standards of protection; ensuring consistency of jurisprudence among treaty bodies;

Reinforcement of the justiciability and interdependence of all human rights;

More coherent outputs, benefiting from each treaty body's specific expertise, which facilitates the implementation of decisions and views of treaty bodies by States parties;

Development of aligned working approaches of all treaty bodies dealing with communications.

Cost of the proposal

The proposal would be essentially cost neutral if the existing five weeks of meeting time for the Human Rights Committee and CEDAW were transformed into meeting time for such a joint Working Group in which one expert per treaty body would participate.

Recommendations

To Treaty Bodies

To review and pronounce themselves on the proposal. Alternatively, with the support of OHCHR, to explore other ways of ensuring consistency of jurisprudence through the establishment of procedures allowing for consultation of a treaty body with specialized competence on the matter under consideration.

4.3.2. Review of good practices regarding the application of rules of procedure and methods of work and adoption of common guidelines

With more communications procedures being established, OHCHR stands ready to undertake a review of good practices, which would be of great use in relation to the working methods in dealing with individual communications. I also propose that the treaty bodies prepare common written guidelines to establish common procedures for all treaty bodies with a complaint procedure.

The common guidelines could include common practices such as:

- To include in final decisions on the merits, to the extent possible, not only specific and targeted remedies for the victim in question but also general recommendations in order to ensure the non-repetition of similar violations in the future, such as changes in law or practice. To the extent possible, remedies should be framed in a way that allows their implementation to be measured and should be prescriptive. This could include compensation, rehabilitation, satisfaction, restitution and guarantees of non-repetition; stipulation of other forms of satisfaction, including legislative and institutional reforms or other measures as appropriate; and, where relevant, clarification of the obligation to investigate and prosecute. Proposed remedies may be structured around short and long-term goals, specifying concrete steps to be taken by States;
- To expand the practice of mutual cross-referencing of Views and Concluding Observations, when the issues and rights involved are of similar nature. Similarly, to make more systematic reference to jurisprudence of the regional systems;
- Standardized deadlines to the extent that the treaties allow;
- Standardized working methods on requests related to the separation of admissibility from the merits;
- A common approach with respect to interim measures, including when interim measures requests are not respected by States parties;
- Inclusion of protection measures.

As inquiry procedures are also being increasingly established and invoked, it would be timely to consider a review of good practices in relation to the working methods in dealing with inquiries into alleged patterns of grave and systematic violations of human rights. Such a review would assist the treaty bodies in their preparation of draft common written guidelines to establish common procedures for the treaty bodies with an inquiry procedure. Matters for review might include the application of confidentiality rules, the threshold for patterns of grave and systematic violations for the launching of an inquiry and for requesting a country visit and the modalities for interaction with organizations that submit information.

Background

At the experts' meeting on petitions held in October 2011, experts discussed the practice with regard to procedural issues related to individual communications, such as separating the discussion of admissibility from the merits, interim measures, protection measures, parties' non-compliance with deadlines and registration of cases. They recommended standardization of working methods in relation to the separation of admissibility and merits, further discussion on standardization of the practice granting interim measures requests and common guidelines in respect of deadlines for submissions.

Except for the Committee against Torture, the experience of treaty bodies with an inquiry procedure is limited. CEDAW, CED, CRPD, CRC and CESCR also have an inquiry procedure; for the latter two they will become active when the respective Optional Protocols attain the required level of ratification. A common approach to inquiry procedures would greatly assist treaty bodies, States parties and other actors in effectively dealing with the sensitive issues arising from them.

Added value of the proposals

Continued consistency and legal certainty in the handling by treaty bodies of procedural issues related to individual communications and inquiries.

Cost of the proposals

The proposals can be implemented without the requirement of additional resources.

Recommendations

To Treaty Bodies

To issue common written guidelines on procedural matters related to the handling of individual communications and the conduct of inquiries.

4.3.3. Establishment of a treaty body jurisprudence database on individual cases including information on their follow-up

OHCHR will establish and maintain a well-functioning and up-to-date treaty body jurisprudence database on individual cases, searchable in all six official United Nations languages. We will also redesign the OHCHR webpages on the individual complaint procedures of the Treaty Bodies to make them more accessible.

Background

At the experts meeting on petitions held in October 2011, experts underlined the need for a good functioning jurisprudence database on individual cases. Since June 2010, OHCHR is progressing on the development of such a database. This database would allow for more accessibility of treaty body jurisprudence on individual cases to treaty bodies members, States parties, civil society, academics and other stakeholders. It is developed on the same platform as the Universal Human Rights Index (UHRI).

Added value of the proposal

Increased visibility of communications procedures;

Enhanced research facility for treaty bodies' jurisprudence on individual cases;

Easier access by judges and lawyers, where increasingly courts are looking at international jurisprudence to guide their own judgements.

Cost of the proposal

The hiring of an IT consultant and a data entry clerk under this project, initially for 9 months each (estimated cost: USD 93,000), as well as setting aside dedicated capacity of one staff member at the P-3 level for 6 months annually (USD101,000 annually).

Recommendations

To States parties

To consider providing adequate resourcing for this proposal.

4.3.4. Friendly settlements

The proposal

At the experts meeting on petitions held in October 2011, experts noted the lack of established practice on the facilitation of friendly settlements by the treaty bodies. Experts suggested that treaty bodies would consider providing space for friendly settlements within the individual communications procedures.

My Office stands ready to support the treaty bodies in the exploration of possibilities for friendly settlements.

Background

Of all treaty body based individual communications procedures, only the OP-CESCR and OPIC-CRC provide for the possibility of friendly settlement. In practice, other treaty bodies may suspend the consideration of an individual communication if the parties are engaged in a friendly settlement process.

Added value of the proposal

Avoidance of contradictory procedure before the treaty bodies and reaching of an amicable and effective solution (friendly settlement)

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To Treaty Bodies

To make themselves available to the parties concerned in a case with a view to reaching a friendly settlement of the matter, in a manner consistent with international human rights standards and to reflect such practice in their Rules of Procedure;

To States

To accept the treaty bodies' competence to assist with reaching a friendly settlement in individual cases.

4.3.5. Enhancing the capacity of the Subcommittee on Prevention of Torture

The proposal

I support the proposal to increase the capacity of the SPT, further to the increase in its membership, to enable it to undertake more regular and advisory, follow-up visits per year.

Background

The core of the work of the Subcommittee on Prevention of Torture (SPT) — which distinguishes it from the nine other existing treaty bodies — is to carry out visits to places of deprivation of liberty in accordance with article 1 of OPCAT. The Subcommittee's core mandate also includes the provision of assistance and advice to the national preventive mechanisms (NPMs) to be established or designated by each State party one year after the entry into force of the Optional Protocol or its ratification or accession.

Despite the rapid increase in the number of ratifications and accessions to the Optional Protocol (63 States parties), its increased membership since January 2011 and related workload, the SPT has only been able to undertake three regular field visits in 2011 and has planned three regular visits and three advisory visits on NPMs in 2012. At such a low pace of visits by the SPT, the consequence is that the current number of regular preventive visits would take place to each State party only every 21 years, entirely defeating the purpose of the treaty. With no increase of capacity and visit pace, such a situation would in addition leave no room for follow-ups to regular visits.

Added value of the proposal

- Enable the SPT to fully and efficiently discharge its mandate;
- Increase the impact of the SPT on the ground and prevent occurrence of torture;
- Strengthen the prevention of torture through SPT assistance in the establishment of independent and fully-functioning National Preventive Mechanisms and SPT recommendations to improve the situation of persons deprived of their liberty.

Cost of the proposal

At the moment, the SPT mandate is serviced by a core secretariat consisting of one P-4, two P-3s and two GS. Based on the experience gained since the establishment of the expanded SPT, including the organization of different types of complex and demanding field visits (including regular, advisory NPM and follow-up visits), two additional staff (one P-3 and one P-2) are necessary, at a cost of $361,000 per year to conduct more country visits. The staff would conduct research on the countries to be visited, liaise with the concerned State authorities and other stakeholders in preparation of the visit, liaise with relevant United Nations entities present in the country, arrange the logistics for the visit, assist the experts in the conduct of the visit and the drafting of the visit report and follow-up with State authorities and other stakeholders on the conclusions of the visit.

These resources were initially requested by the Secretary-General in 2010, but not approved by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly at the time.[42]

Recommendation

To States

To support an increase in the capacity of the SPT under the regular budget.

4.4. Strengthening the independence and expertise of treaty body members

The nomination and election process is a determining factor of paramount importance to the expertise and efficiency of each treaty body. Similarly, the degree of authority and respect that treaty body recommendations demand is contingent on the level of actual and perceived independence and impartiality of treaty body members. To improve the selection process, I support the initiative taken by the treaty bodies themselves to adopt guidelines to bolster the independent and impartial exercise of functions by their members. I also invite States parties to adopt, within their respective settings, national policies and processes, with respect to the nomination of experts as candidates for treaty body membership. Given the importance of the matter, and to assist in this regard, I propose an open public space for all States parties to present their potential candidates or nominees for treaty bodies. OHCHR stands ready to develop information tools regarding, inter alia, the elections process and the expectations on treaty body experts.

4.4.1. Guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions

The treaty body Chairpersons decided at their twenty-third meeting (30 June-1 July 2011) to prepare and adopt guidelines on the independence and impartiality of treaty body members at their next meeting to be held in Addis Ababa in June 2012. The Chairpersons noted that such guidelines should take due note of existing specific treaty body guidelines on independence. Reference to the value of having such guidelines has been made repeatedly in the course of the various consultations on treaty body strengthening.

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[42] See the report of the Secretary-General providing Revised Estimates A/65/500 and Report of the Advisory Committee on Administrative and Budgetary Questions A/65/574.

Background

A number of treaty bodies have developed tools to guarantee the independence and impartiality of their members. Whereas most treaty bodies have provisions to this end in their respective rules of procedure, the Human Rights Committee adopted a separate set of guidelines (annex III of A/53/40, vol. I) in 1999.

Added value of the initiative

Having self-regulatory guidelines on independence and impartiality of treaty body members would contribute to ensuring the highest attainable level of independent expertise for the human rights treaty body system:

Achieving such a standard of independence and impartiality is a precondition for attaining the ultimate objective of the treaty body system, namely to provide the most objective and respected assessment and guidance to States parties in fulfilling their human rights treaty obligations;

The initiative promotes a consistent understanding and approach for all treaty bodies on the issue of membership, including on potential cases of conflict of interest affecting the engagement of experts in the exercise of their functions.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To treaty bodies

To adopt the guidelines on independence and impartiality of treaty body members and include these guidelines as a full and integral part of their respective rules of procedure. All treaty body members should commit to abide by such guidelines during their tenure, also outside of official treaty body sessions. Before assuming duties as a member, each treaty body member shall commit when making their solemn declaration to respect the guidelines. All treaty bodies are to enforce these guidelines and take all necessary measures in case of a breach.

4.4.2. Proposals for national policies and processes with respect to the nomination and election of experts to the treaty bodies

I encourage States parties to adopt national policies and processes with respect to the nomination of experts as candidates for treaty body membership. Such national initiatives can be inspired by a number of good practices outlined by States during consultations in Geneva and New York. These should be based on the following principles:

1. The nomination of candidates through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area (through relevant work experience, publications, and other achievements) and

the willingness to take on the full range of responsibilities related to the mandate of a treaty body member;

2. The avoidance of nominations or election of experts while they are holding positions in the government or any other positions that might expose them to pressures, conflict of interest or generate a real or perceived negative profile in terms of independence that would impact negatively on the credibility of the candidates personally as well as on the treaty body system as a whole; or their resignation from the Committee once elected.

3. Limitation of the terms of service of experts to a reasonable number of terms for a given committee, bearing in mind that the most recent treaties allow a maximum of two terms.

My Office will compile a document of good practices by States parties as to national policies and processes which contribute to ensuring transparency and the nomination of highly qualified experts, and to make it publically available.

Background

The nomination and election processes for treaty body members fall within the sphere of competency of States parties to the various international human rights treaties. The need to safeguard the perception of independence and impartiality begins with the nomination process at the national level. In the course of the on-going process of treaty body strengthening, reference has been made to a number of national practices regarding the nomination of treaty body experts.

Since 1997, at the eighth Annual Meeting of Chairpersons of treaty bodies have repeatedly recommended that "States parties to human rights treaties should refrain from nominating or electing to the treaty bodies persons performing political functions or occupying positions which were not readily reconcilable with the obligations of independent experts under the given treaty. The chairpersons also urged that consideration be given to the importance of expertise in areas related to the mandate of the treaty body, the need for balanced geographical composition, the desirability of an appropriate gender balance and the nominee's availability in terms of time to discharge the responsibilities of an expert member of a treaty body"[43].

Disaggregated data on the current composition of the human rights treaty bodies

All Committees

Distribution of members by gender	Distribution of members per region	States parties to all treaties by region	Working languages	Current position
Female: 65	Africa: 43 (25 %)	54 States/362 ratifications (67 %)	Arabic: 21	Academic: 51 (30 %)

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[43] A/52/507, paragraph 68.

All Committees				
Male: 107	Asia: 29 (17 %)	54 States/306 ratifications (56 %)	Chinese: 5	Consultant/Advisor: 19 (11 %)
	Eastern Europe: 22 (12 %)	23 States/171 ratifications (74 %)	English: 152	Diplomat/Government official: 31 (18 %)
	GRULAC: 34 (20 %)	33 States/240 ratifications (73 %)	French: 82	Judge/Lawyer: 25 (14 %)
	WEOG: 44 (26 %)	29 States/202 ratifications (70 %)	Russian: 15	Member of Parliament (MP): 3 (2 %)
		Out of total number of ratifications of 9 core treaties and OPCAT: 1,281 out of 1,930 ratifications possible	Spanish: 52	Non-governmental organization (NGO): 15 (9 %)
		(Percentages calculated on the basis of the number of countries multiplied by 10 treaties divided by number ratifications)		National Human Rights Institution (NHRI): 13 (7 %) Retired United Nations staff: 1 (1 %) Retired diplomat/Government official: 11 (6 %) Retired judge/lawyer: 3 (2 %)

Added value of the proposal

- **Conducting the nomination process at a national level in a transparent, open and inclusive manner is most conducive to generating a wide list of candidates with a proven record of required expertise;**

- Encouraging the participation of a greater number of qualified candidates, renewed on a regular basis and on the basis of a limitation in tenure will generate more diverse, renewed expertise;
- Not nominating individuals holding certain positions will avoid potential conflicts of interest and safeguard the perception of independence and impartiality thus enhancing the credibility of the treaty body system and the authority of its findings.
- Good examples from a wide range of States parties may inspire ideas for other States parties that are willing to put in place a transparent process conducive to selecting candidates with the required expertise and independence.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To States parties

To adopt national policies and processes, with respect to the nomination of experts as candidates for treaty body membership further to the criteria established in the treaties and bearing in mind the suggestions reflected above.

To share with OHCHR what they consider as good practices in the nomination of candidates to stand for election in a human rights treaty body with a view to allowing OHCHR to compile such information.

4.4.3. A handbook on expectations, availability and required workload and a centralized treaty body elections website

OHCHR stands ready to develop a handbook with established facts and information on the elections process, conditions and other relevant requirements pertaining to membership of treaty bodies. The document will highlight practical expectations and workloads for treaty body experts. It will be made available to States parties and all interested potential candidates prior to the national nomination process and the subsequent elections and placed on a centralized and user-friendly OHCHR treaty body elections webpage. Such a webpage will provide practical information on vacancies in the treaty bodies and on forthcoming elections, and inform of candidates that have been nominated. This handbook will also contain all essential practical information relating to the discharge of their functions and mandate for new and current members of Treaty Bodies, such as procedures, working methods, and entitlements and expectations for members.

Background

The quality of the nomination process is a determining factor for the composition of the treaty bodies and therefore also of crucial importance to the efficiency of each treaty body. In order for the nomination process to produce candidates with the necessary expertise and that also meet the requirements of independence and availability, it is first of all important to ensure that all stakeholders are apprised duly in advance of any vacancies and upcoming elections.

Moreover, both the nominating State and interested candidates would be served by clear information about the nature and quantity of work required as a treaty body member, including the number and length of sessions, the importance of participation during pre-sessional working groups, country visits, etc. There have been instances where a member never attended any session for extended periods of time due to conflicting professional engagements in their home country and a few cases in which there was no quorum, either in pre-sessional working group or in plenary, so that decisions needed to be postponed, leading to a waste of meeting time.

Added value of the proposals

Better information about the requirements of the position would assist States in determining which candidate would best merit their nomination:

- It would also help interested individuals to better understand the work required as a treaty body member;
- Timely and easily accessible information would also assist all stakeholders and interested individuals to prepare for the nomination and election process.
- It would attract a wider pool of potential candidates at the national level for the benefit of State parties.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

4.4.4 Open public space for all States parties to present their potential candidates or nominees for treaty bodies

I support the proposal for an open public space for all States parties to present their potential candidates or nominees for treaty bodies using modern technologies including social media. This space would be moderated by five former treaty body members from various professional backgrounds reflecting adequate balance in terms of sex, regions and legal systems. To ensure an objective process and respect the independence of the system, the Meeting of Chairpersons shall be entrusted with the selection of these experts.

Background

Reference is made to the need to ensure an open and transparent selection process from among persons who have a proven record of expertise in the relevant area and the willingness and capacity to take on the full range of responsibilities related to the mandate of a treaty body member. This entails the need to carefully review the qualifications of each candidate, and select the best candidates giving consideration to gender, geography, professional fields and legal systems in determining the final composition.

Added value of the proposal

The process, in a simple and objective manner, will enhance the quality of information available to States parties with regard to the credentials of interested candidates or actual nominees for a seat on one of the treaty bodies. Furthermore, it will provide equal chances to all candidates including the ones from developing countries. This proposal will also enhance the visibility of the treaty body system and ensure an open and transparent election process resulting in an enhanced quality of nominations.

Cost of the proposal

The proposal would require the dedicated attention of one staff member at the P-4 level, supported by a GS staff member, for a total of 6 months annually to support the forum (cost: USD210,000 per year).

Recommendations

To States parties

To encourage their potential candidates or nominees to use this space in preparation for their election.

To make use of this space as an integral part of the nomination process

4.5. Strengthening capacity to implement the treaties

4.5.1. The treaty bodies' follow-up procedures

I encourage all treaty bodies conduct a thorough review of their follow-up procedures.[44]

Background

The implementation of treaty body recommendations remains the primary responsibility of States parties; the review of the progress they make in this regard is inherent to the principle of periodic reporting by States parties. While all treaty bodies request States parties to provide information on implementation of the recommendations contained in previous concluding observations in their subsequent reports, four committees[45] have adopted formal procedures to monitor implementation of specific recommendations contained in concluding observations in between periodic reports by requesting States to provide a written report thereon within one or two years from the adoption of the concluding observations. At least one other treaty body is currently considering adopting such a follow-up procedure[46]

Furthermore the twelfth ICM and the twenty-third meeting of chairpersons of human rights treaty bodies highlighted that with regard to periodic reports, previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the previous review.[47] This constitutes an inherent follow-up mechanism of the treaty bodies in the context of the review of periodic reports.

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[44] The SPT follow-up procedure is not covered in this section.

[45] The Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women.

[46] CESCR.

Similarly, all treaty bodies with a mandate to consider individual communications request follow-up information, within a specified time frame, from the State party concerned in all cases in which a breach of the respective treaty is found.

The proposal in detail

1. If the comprehensive reporting calendar was adopted, the need for follow-up procedures for concluding observations by the treaty bodies would be diminished. With the certainty that the next reports will be examined as scheduled, the treaty bodies that regularly use a follow-up procedure will be less compelled to request additional inter-sessional information. This will be particularly true with regard to the treaty provisions that are common to a number of treaties; when one treaty body knows that a State party will be examined on an issue of urgent concern by another treaty body on that issue within two or three years, requesting additional information on those issues will become less pressing than is the case at present, when such an eventuality cannot be relied upon.

2. Irrespective of the comprehensive reporting calendar being adopted or not, the follow-up procedures should be simplified and improved. The follow-up for both concluding observations as well as individual communications procedures should at a minimum be aligned across treaty bodies. Treaty bodies should adopt common guidelines for these procedures. They could also take concerted action across treaty bodies, such as joint action for implementation of recommendations including efforts to institutionalize the support of the UNCT for the implementation of recommendations. They could issue common press releases or undertake joint efforts to urge for the adoption of enabling legislation by States parties. They could make better use of synergies with other human rights mechanisms such as suggesting to Special Procedure mandate holders to undertake a country visit to a State party which requires support regarding the implementation of certain recommendations prior to its next review or to a State party which persists in failing to implement recommendations and when the examination of cases over time reveals repeated violations in the country.

Added value of the proposal

An improved and aligned follow-up process across treaty bodies will strengthen States parties' continuous engagement with the treaty body system and ensure that treaty body reporting is not a one-off activity. Continuous engagement will facilitate the building of institutional memory within the State and might lead to the establishment of a standing national mechanism for reporting, implementation and engagement with the United Nations human rights mechanisms including with treaty bodies.

Cost of the proposal

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[47] A/66/175, para. 25.

Follow-up procedures are resource intensive on staff and are currently under-resourced but a costing is dependent on how the treaty bodies evolve the procedure further or not.

Recommendations

To treaty bodies

To conduct a review of the current format of follow-up procedure with a view to simplifying and improving them, notably through the adoption of common guidelines.

To invite States to provide information about the national mechanisms and regulatory framework to implement TB recommendations, including on individual communications.

To States parties

To consider establishing appropriate mechanisms to implement treaty body recommendations including on individual communications and to share information on such mechanisms. Such mechanisms may include the adoption of enabling legislation or a national human rights strategy or action plan.

4.5.2. Aligned consultation process for the elaboration of General Comments/ General Recommendations

General comments have proven to be very useful. They facilitate States' and other stakeholders' understanding of treaty provisions based on States' practices. In turn, improved understanding of the scope and objectives of treaties will assist States in fulfilling the obligations they have subscribed to.

I encourage all treaty bodies to adopt an aligned consultation process with States parties, United Nations entities, national human rights institutions and civil society organizations during the elaboration of general comments including requesting them to provide written contributions and/or participation in general days of discussions. I also propose that the inputs received are made accessible on the respective treaty bodies' websites.

Background

All committees have adopted the practice of setting out their views on the content of the obligations assumed by States parties in the form of "general comments" or "general recommendations". These have evolved in length and complexity and now constitute detailed and comprehensive commentaries on specific provisions of the treaties and on the relationship between the articles of the treaty and specific themes/issues. By issuing general comments, treaty bodies aim at making the experience gained so far through the examination of States parties' reports and, when relevant to individual communications, available for the benefit of all States parties, in order to assist and promote their further implementation of the treaties. All treaty bodies regularly seek expert advice beyond the committee during the elaboration process. In this regard, Committees hold days of general discussions or informal meetings to which States, in most cases, are invited as observers. In some cases, the draft general comment/general recommendation is placed on the website and contributions are sought in writing from all stakeholders.

Added value of the proposal

The proposal will allow for improved accessibility of the treaty body system for all stakeholders, greater transparency and cross-fertilization of ideas, as well as enriched quality of general comments which will benefit further from a variety of views and experiences.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To treaty bodies

Each treaty body should adopt an aligned process of interaction with stakeholders during the consultative phase of the elaboration of general comments, allowing inputs in writing from States parties, United Nations entities, national human rights institutions and civil society organizations, which would be placed on the website of the respective treaty body elaborating a general comment/general recommendation.

4.5.3. Capacity-building activities relating to reporting

OHCHR stands ready to make its accumulated experience available to conduct capacity-building activities at the national or (sub-)regional level on treaty reporting and individual communications upon the request of States parties. Such activities are traditionally servicing representatives of the Government, the Judiciary and Parliament, but also other national stakeholders such as National Human Rights Institutions (NHRIs), civil society organizations, as well as regional human rights organizations.

A sustainable capacity-building strategy

OHCHR will further refine its capacity-building strategy with a view to assisting States parties in a sustainable and effective manner in meeting their reporting obligations. This can only be achieved if it is nationally owned and properly integrated. Technical assistance has become increasingly complex due to the specificities of each of the nine core international human rights treaties and their optional protocols. This requires specialized capacities to be developed and/or strengthened in various Ministries and areas of work of State authorities as well as among National Human Rights Institutions, civil society actors and the United Nations, especially UNCTs. Each treaty is specific and requires its own domestic awareness raising, training and capacity-building processes, and it often has its own constituency among domestic actors. Nevertheless, in my opinion it is essential to provide support to States to enable them to benefit fully from treaty bodies in order to build sustained reporting and expertise and support the establishment of proper reporting and coordination mechanisms at the national level (see also the proposal under 4.5.4. "Establishment of a standing national reporting and coordination mechanism"). When appropriate, OHCHR will continue supporting the establishment or strengthening of such mechanisms through its programmes.

In view of the ever-increasing number of United Nations human rights mechanisms' recommendations (averaging for a significant number of countries 200-500 adopted by all United Nations human rights mechanisms — UPR, Special Procedures and Treaty Bodies — over a five-year timespan), the strategy will also adopt a coordinated approach towards providing technical assistance on reporting. States will have access to an up-to-date tool, the Universal Human Rights Index, when they wish to use it for preparing their reports and for clustering recommendations from the various United Nations human rights mechanisms as the starting point in formulating a national framework/policy/plan of action for their implementation.

National and regional level activities

Further to the growth and increased complexity of the reporting obligations of States, I will ensure to the maximum possible extent that needs for technical assistance in reporting to the treaty bodies are being responded to, possibly in alignment with the Comprehensive Reporting Calendar. To make best use of the limited resources available, priority needs to be given to requests from Least Developed Countries, Landlocked Developing Countries, Small Island Developing States and States made fragile by natural disasters or armed conflicts as well as States who decide to establish or reinforce standing national reporting and coordination mechanisms, which guarantees a more sustainable impact for OHCHR's capacity-building activities.

The current practice of involving treaty body experts as trainers in such activities will be continued and enhanced and where established, NHRIs should also be requested to assist in the holding of such activities. Insofar as possible, these activities should be convened in partnership with the UNCT and United Nations Resident Coordinator and through them, or with interested individual United Nations agencies present in the country in question in order the ensure the full involvement of all United Nations actors.

Background

Since the early 1990s over 20 requests on average per year for the conduct of reporting capacity-building activities are positively responded to from Headquarters[48], often in partnership with OHCHR and other United Nations field presences or entities (such as UNDP, UN Women, UNICEF or the United Nations Department of Peace-Keeping Operations).

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[48] Between January 2008 and January 2012, the Human Rights Treaties Division at OHCHR has supported capacity building in the area of treaty work (usually focused specifically on one or two treaties, in a few cases on individual communication procedures) in the following countries (this list does not take into account direct support by OHCHR at the country or regional level or other presences at country level): Armenia, Bahrain (twice), Belarus, Belize, Bulgaria, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, China (twice), Congo, Côte d'Ivoire, Croatia, Democratic Republic of Congo, the European Region, the European Union, FYR Macedonia, Gambia, Germany, Ghana, Honduras, Indonesia (twice), Jordan, Kazakhstan (twice), Kyrgyzstan, Liberia, Maldives, Mali (twice), Mauritania, Mexico, Morocco, Niger, Panama, Peru, Philippines, Qatar, Sao Tome and Principe, Senegal, Serbia (twice), Seychelles, Sierra Leone, South Africa (twice), Swaziland, Tajikistan, Tanzania, Thailand (twice), Togo, Turkmenistan and Viet Nam.

Between 2003 and 2009, with the financial support of the European Union (for a total cost of approximately €4 million), my Office implemented a project to provide technical support to national actors on reporting to and cooperating with the human rights treaty body system in 30 countries. The target audiences were States, and especially National Human Rights Institutions, civil society organizations and the media.

Furthermore, a number of OHCHR field presences offer direct assistance to States and other stakeholders on treaty work and cooperation with treaty bodies including assisting States in their implementation of recommendations. This is done increasingly in partnership with UNCTs and the Resident Coordinator (RC) and more and more with the cooperation and support of regional organizations and the donor community including development funds (by the EU or UNDP). For example the UNDP Regional Centre in Bratislava has set up a UPR follow-up Financial Facility. OHCHR most recently conducted a number of regional workshops on the follow-up to treaty bodies, special procedures and UPR recommendations thereby promoting a coordinated approach towards the implementation of recommendations from all the international human rights mechanisms with the aim of fostering the exchange of good practices and equipping participants with methodological and technical tools that would assist them in clustering, prioritizing and integrating recommendations from various UN human rights mechanisms into a follow-up strategy at the national level.[49]

Added value of the proposal

Capacity-building activities contribute to the building or reinforcement of a national expertise and capacity and therefore impacts positively treaty reporting compliance and ultimately implementation.

These activities offer a strategic opportunity to stimulate the dialogue and mobilize support among a variety of national stakeholders and contribute to the strengthening of networks of national actors.

Cost of the proposal

Capacity building activities, including reporting training workshops, have varying costs depending on the location, format and number of participants. Whenever possible and according to funding levels, technical assistance and capacity building is foreseen within OHCHR's existing work plans in countries where the Office has a presence and at headquarters (also through the UPR Trust Fund to facilitate follow-up on UPR recommendations, including on treaty ratification and reporting).

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[49] Three regional workshops on strengthening national implementation of recommendations of the treaty bodies, special procedures and UPR were organized for representatives from Governments, NHRIs and CSOs from 17 European countries (Albania, Cyprus, the Czech Republic, Finland, France, Germany, Malta, Former Yugoslav Republic of Macedonia, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Switzerland and the United Kingdom) in Brussels, March 2011; for countries of the Western Balkans (Albania, Bosnia & Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey) in Belgrade, December 2011; for countries from Southern Caucasus (Armenia, Belarus, Moldova, Georgia and Ukraine) in Tbilisi in January 2012, and for countries from Central Asia (Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) in Bishkek, April 2012.

Recommendations

To States parties

States facing difficulties in meeting their reporting obligations are invited to continue to request OHCHR to provide technical assistance and capacity-building support in this regard, including with regard to the establishment or strengthening of standing national reporting and coordination mechanisms.

States are encouraged to make use of the newly upgraded Universal Human Rights Index in order to cluster analytically recommendations from all UN human rights mechanisms, to ensure adequate coordination and implementation through the responsible lead ministries.

States are invited to continue to support, including financially, OHCHR's capacity-building activities aimed at assisting States parties in meeting their reporting obligations and in supporting them in the implementation of the treaty bodies' recommendations.

4.5.4. A standing national reporting and coordination mechanism

I encourage States parties to establish or reinforce a standing national reporting and coordination mechanism. Such a mechanism should aim at facilitating both timely reporting and improved coordination in follow-up to treaty bodies' recommendations and decisions. Standing national reporting and coordination mechanisms (SNRCM) should be able to deal with all United Nations human rights mechanisms requirements with the objectives of reaching efficiency, coordination, coherence and synergies at the national level.

With the possible support of the Universal Human Rights Index database (UHRI), the standing national reporting and coordination mechanism should further analyse and cluster recommendations from all human rights mechanisms, thematically and/or operationally (according to the institution(s) responsible for implementing them), identify relevant actors involved in the implementation of the recommendations and guide them throughout the process. This mechanism should also lead periodic consultations with NHRIs, and civil society actors to cooperate on reporting and implementation processes. Within parliaments, appropriate standing committees or similar bodies should be established and involved in monitoring and assessing the level of domestic implementation of the recommendations, particularly those related to legislative reform. SNRCMs should also liaise with members of the Judiciary to inform them on treaty bodies' recommendations and to collect and disseminate judicial decisions relevant to international human rights law.

To help States to design or reinforce a standing national mechanism that is appropriate for them, my Office stands ready to undertake a study on good practices in this area. My Office will also support UNCTs, upon their request, in lending assistance to SNRCM.

Background

The growth of the treaty body system and the establishment of the UPR mechanism in 2008 have led to an exponential growth in the number of reports to be submitted and of recommendations to be implemented by States parties. In order to address these challenges, some States have established a permanent mechanism to lead, coordinate, consult and monitor the implementation of recommendations from treaty bodies and other human rights mechanisms and to prepare their periodic reports. Further, some States have given the mechanism a basis in law, to ensure continuity and stability and to oblige the active cooperation of all relevant ministries. Many others, however, continue to rely on ad hoc committees that are disbanded after the submission of the report(s) that they were established to prepare.

Added value of the proposal

The establishment of an effective SNRCM reinforces the capacity of States to continuously engage with and benefit from the United Nations human rights system, towards a more effective implementation of their human rights obligations.

More particularly, such mechanisms:

- Would considerably strengthen the building of expertise and institutional memory on human rights within the State machinery in comparison to ad hoc drafting committees;
- Would be a natural audience for technical cooperation activities requested from OHCHR and other actors in the UN system in the field of treaty reporting and implementation that would allow for an accumulation of knowledge and expertise in a State and for rationalization of the provision of technical cooperation by OHCHR;
- Could meet the various international reporting obligations of a State, particularly with the rational deadlines and far advance planning that is made possible under the Comprehensive Reporting Calendar, under which the work to be undertaken for all the international mechanisms could be reasonably paced out each year;
- Would serve as coordinator of on-going implementation efforts, which would be naturally encouraged under the Calendar, more so for States that accept the Simplified and aligned reporting process, according to which the next reporting cycle on any treaty will commence with questions of implementation of the recommendations made in the previous cycle;
- Could serve as the central Government unit responsible for all matters relating to the treaty system in general, including the submission of updates to the Common Core Document and the training of national actors in the use of tools that can help in the preparation of submissions, such as the Universal Human Rights Index and other databases of international organizations;
- Could be mandated to also serve as the drafting mechanism for the UPR and for regional reporting obligations, which could be integrated by each State in the Comprehensive Reporting Calendar;
- Could serve as the responsible unit to respond to individual communications under the treaties and to communications from the HRC Special Procedures.

Thus, a standing national reporting and coordination mechanism could ultimately serve as the central State interlocutor with all international and regional human rights bodies and mechanisms. This would ensure coherence of what is presented at all levels as well as coherence in the implementation of their recommendations and follow-up thereto.

If implemented together with the range of proposals presented in this report, such a mechanism would bring to the country level the full benefits that they offer: sustained momentum on reporting activities at a reasonable pace of deadlines under the Calendar, streamlined through a Simplified Reporting Process, followed by dialogues with treaty bodies where expertise can be drawn from the capital at little or no cost through videoconferencing, aided if necessary through technical cooperation from the United Nations system that would build capacity for the long-term, no longer rebuilding it anew with each new ad hoc drafting committee.

Given the complexity of human rights laws and procedures, such a mechanism may find itself serving more as a core central base — or core facilitator — of various drafting sub-committees that may also need to draw on a larger pool of specialist experts relevant for specific reports (for example, in the case of CMW, security and immigration officials in charge of border control, and within the health, education, justice and other sectors, the units that deal with migrants), who could under the Calendar be called upon to take part in the face-to-face dialogue with the corresponding treaty body. As is recommended by all the treaty bodies, Governments should ensure the permanent involvement of all branches of State -- the judiciary and legislative, as well as the executive— in addition, NHRIs where they exist, civil society, academia and others that may offer valuable information and perspectives should also be included although the specific organizations that represent them in the mechanism might change depending on the issues to be addressed.

Many variations are possible as to the composition of national drafting mechanisms. As recommended by most treaty bodies, the SNRCM should receive inputs from all stakeholders. As the final report will be a State report, some States establish an inter-ministerial drafting committee that is responsible for the research and drafting. Such a committee may be instructed to consult widely and open a national discussion on the central issues to be covered in the report. It might commission the necessary research for a report to an academic institution or consultant, or invite members of NHRIs and specialized civil society organizations to contribute information on specific issues, while retaining control over the final editing. In recent years, more States parties have begun to include representatives of stakeholders outside the Government, not only as contributors of information but as full members of drafting committees.

Cost of the proposal

The proposal can be implemented without the requirement of additional resources.

Recommendations

To States parties

- Where a standing national reporting and coordination mechanism does not already exist, establish one if possible by law, that would serve as the core reference body in relation to human rights protection at the country level, particularly with regard to the treaty bodies.
- Mandate the SNRCM to respond to all the international and regional human rights reporting obligations of the State to the treaty bodies, the UPR and

Special procedures as well as regional bodies, as well as coordinate the implementation of their recommendations.

- **Mandate the SNRCM to respond to the individual communications procedures of the treaty bodies and other regional and international bodies.**
- **Mandate the SNRCM to establish and execute the modalities for systematic engagement with national stakeholders, including NHRIs, civil society actors and academia.**

To UN actors

Whenever relevant, UNCTs should assist in the establishment or reinforcement of standing national reporting and coordination mechanisms.

4.6. Enhancing the visibility and accessibility of the treaty bodies

To varying degrees, treaty bodies remain relatively unknown at the national level and the use of their outputs remains too limited. The proposals below seek to remedy this situation by better using modern information technologies as well as other measures to disseminate the work undertaken by the treaty bodies.

4.6.1. Webcasting and videoconferencing to enhance the accessibility and visibility of treaty bodies at the country level

I support the proposal that all public meetings of the treaty bodies should be webcasted and treaty bodies will benefit from videoconferencing facilities.[50] Pending the implementation of these proposals, OHCHR stands ready to post audio files of treaty body sessions on its website for easier public access.

Background

Treaty bodies have repeatedly requested the United Nations to provide webcasting services for all public meetings[51] and videoconferencing technologies to facilitate their work and enhance their impact, including improved access, cooperation and participation.

The experience of the Human Rights Council which has been webcast since 2006 on an ad-hoc basis has been widely acknowledged as being extremely positive both in terms of transparency and participation.

The use of videoconferencing technologies could facilitate the participation of the different actors in all the steps of the reporting process and reduce related costs. In recent years, there has been an ever-increasing demand for the use of videoconferencing facilities by States parties during the sessions. When possible, the Secretariat has responded positively to these requests, giving the opportunity to some States parties to benefit, in addition of their own delegation, from the participation of experts from the capital during interactive dialogues. To date, however, these facilities cannot be assured to the treaty bodies, as none of the conference rooms in Palais Wilson and only a few of the conference rooms in the Palais des Nations (Geneva) are equipped with videoconferencing equipment and connections.

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[50] Although webcasting and videoconferencing are distinct proposals it was decided to keep them together as some of the technology is common to both.

[51] See for example A/64/276, chapter IV, paragraph 16.

Webcasting services fall under the responsibility of the Department of Public Information (DPI) of the United Nations, which has been allocated dedicated resources at United Nations Headquarters for this purpose.

Webcasting

Taking into account the principles of transparency, equal treatment and non-selectivity, it is proposed that all public meetings of the treaty bodies should be webcast, (i.e. about 903 hours per year, or 301 official meetings[52]). This includes the consideration of States parties' reports, days of general discussion, as well as discussions on draft general comments.

The current ad hoc webcast system involves the live streaming of the conference proceedings through the Internet to United Nations Headquarters, and session/speaker-by-speaker archiving of the video footage on external servers. Each video clip is added into a Content Management System for archiving and retrieval. Webcasting is generally provided in the language of the speaker and in English.

Establishing a webcast capacity in Geneva for Treaty Bodies would involve the installation of cameras, integrated into the audio/interpretation system in meeting rooms, as well as the installation of cabling, computer equipment and software in addition to additional server capacity for archiving. At present there is no standing capacity, in either infrastructure or staffing, to provide this service at the United Nations Office at Geneva and all webcasting services provided to the Human Rights Council are handled on an ad-hoc basis.

Added value of the proposals

New technologies offer tremendous opportunities, not only in terms of increased visibility and interaction, but also in terms of impact, ownership and, ultimately enhanced implementation.

Webcasting the treaty bodies' public meetings will strongly enhance accessibility and visibility of the dialogue between States parties and treaty bodies and create a greater sense of ownership among all stakeholders.

I also see a great benefit in social media networks using webcasting of treaty body sessions to transmit knowledge and involve younger generations in enlightened debates about rights and responsibilities in their respective societies.

Webcasting will ease follow-up and contribute to the implementation of treaty provisions and treaty bodies' recommendations while giving greater publicity to public policies.

It also gives the possibility for those who train, educate and build capacity of State officials and rights holders to use webcasting as a permanent and renewable training and building tool and for delegations to better prepare for the constructive dialogue.

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[52] In comparison, approximately twenty-six weeks of Human Rights Council's meetings a year are webcast.

Cost of the proposal

Under the responsibility of the United Nations Office at Geneva and the Information Service of the Department of Public Information, the establishment of a permanent webcasting capacity that would enable the webcasting of all treaty body meetings was estimated in 2008 to entail around USD 700,000 in infrastructure/equipment costs, plus around USD 900,000 in annual recurring costs. Given changes in technology since that time, it would be necessary to conduct a thorough review to determine the precise requirements to set up such a capacity now. While some reduction in costs may thus be possible, the previous review provides an indication of the requirement, which would be much lower than the cost of producing summary records of a meeting. Considering the fact that it may be possible in the future to generate automatic transcripts of the proceedings, treaty bodies may wish to consider replacing summary records by webcasting. In this case, webcasting would constitute a savings opportunity.

Videoconferencing

Cameras installed for webcasting purposes could be used also for videoconferencing. As such, the only additional equipment that would be required to support videoconferencing would be monitors in each room to show the speakers.

As the main objectives of videoconferencing are to reduce travel and related costs and to give greater opportunities to national civil society actors to engage with treaty bodies, the videoconferencing system should be capable of being combined with immersive telepresence systems such as USB Web Cameras.

Added value of the proposal

- It gives the opportunity for States parties' delegations to have additional representatives from their capitals engage with the treaty bodies and benefit from the expertise and guidance of the experts, thus strengthening the participation of delegations in treaty body sessions;
- The increased expertise made available in real time will enhance the ability of States to respond to questions posed by the experts during the consideration of a report and therefore improve the overall quality of the dialogue;
- Videoconferencing would allow for the participation of experts from the capitals in the constructive dialogue even when a treaty body considers a State in the absence of a report, so that such a review would not also take place in the absence of a State delegation;
- Videoconferencing would facilitate the participation of all stakeholders at all stages of the reporting process, thus building increased and sustainable capacity of all to cooperate with treaty bodies;
- Videoconferencing would contribute to the reduction of travel related climate footprints, in line with OHCHR's Emission Reduction Strategy adopted in December 2010.

Cost of the proposal

Videoconferencing, once established could save costs for States in relation to travel expenses. Having said this, the establishment of videoconferencing facilities still needs to be costed.

Recommendations

To States parties

- To envisage the use of videoconferencing technologies with a view to complement the experts from the capital with the pool of expertise available during the interactive dialogue (and to save costs);
- To support the proposal on webcasting and provide adequate funding for the creation of a permanent capacity for webcasting in Geneva;
- To support the proposal on UN treaty body videoconferencing[53] and provide adequate funding for the installation of videoconferencing facilities.

To OHCHR and other UN entities

UN Country Teams and OHCHR field presences could contribute to the dissemination efforts by facilitating the screening of treaty body considerations at the national level and use webcasting for awareness raising and as a training tool;

UN Country Teams should facilitate the greater involvement of the State, including members of the Parliament and the Judiciary, as well as civil society actors throughout the reporting process by enabling them, when necessary, to use videoconferencing facilities or telepresence systems at their disposal (if any) to interact with the treaty bodies.

To other stakeholders

When available, other stakeholders should make the most of webcasting and videoconferencing facilities to increase awareness of the treaty body system, engage with the treaty bodies and take full advantage to actively participate in the reporting process. NHRIs in particular may wish to consider making the webcasting of treaty body sessions of their respective countries a regular opportunity to introduce grass-roots level civil society organizations to their work at the national level.

4.6.2. Other measures to enhance the visibility and accessibility of the treaty body system

I intend to establish the post of designated communications officer to design a media and communication strategy and better disseminate the treaty body outputs and interactions, including through national, regional and international media, and through social networks. The use of social media which would help turn communication into interactive dialogue and contribute to the continuous constructive involvement of all stakeholders can be further explored and enhanced. I furthermore commit to undertake the following additional measures to increase the visibility of the treaty body system:

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[53] Even though some of the equipment and technology for both webcasting and videoconferencing is compatible, the two proposals can be considered and implemented separately.

1. OHCHR stands ready to enhance the profile of the treaty bodies on the OHCHR website, make it more user-friendly and ease access to information, including for persons with disabilities. The comprehensive country websites will continue to include country-related documentation and information on the ratification and the reporting status to the treaties. In addition, OHCHR has placed an annual calendar for all the treaty bodies on its website which in the future should also include deadlines for States parties and other stakeholders, including submissions, oral briefings and engagement in follow-up activities. Such a calendar will be searchable by State and by treaty body;

2. OHCHR will assist States in using the Universal Human Rights Index database to thematically cluster recommendations made to a specific country and consolidate them into a single document for dissemination to the Government ministries, the Parliament, the Judiciary, National Human Rights Institution and civil society organizations, as well as to UN partners;

3. The use of the Universal Human Rights Index will continuously be promoted and its visibility on the OHCHR website increased;

4. OHCHR will further improve the dissemination of information on individual communications, including through the creation of a separate webpage and the development of a public database, possibly aligned with the Universal Human Rights Index, with search functions of views, follow-up information thereto, actions required and remedies recommended. Further, a brief summary of the cases adopted under the individual communications procedures should be prepared at the end of each treaty body session and widely disseminated. In order to ease access to information, key words should be added to each decision when sending them by e-mail to subscribers;

5. E-mail distribution lists will also be expanded in order to improve information flow.

Added value of the proposals

Increased visibility and enhanced profile of the treaty bodies;

Better dissemination of the treaty bodies' outputs;

Improved transparency and increased predictability;

Easier access to treaty body information, including for persons with disabilities, and therefore greater engagement and interaction between States and other stakeholders and the treaty bodies;

Enhanced empowerment of all actors as they are kept appraised of the latest developments;

Possibility for strategic planning and programming based on the annual calendar for all the treaty bodies and other human rights mechanisms.

Cost of the proposal

The establishment of one post at the P-3 level would be required for a Communication Officer, at an annual cost of USD 202,000.

Translating and maintaining the OHCHR website (which includes the treaty body related webpages) in all six official United Nations languages will require the recruitment of six Web Content Managers (P-3) at an annual cost of about US$ 1,212,000 and five Content Management Assistants (GS), at an annual cost of US$ 368,000 totalling approximately US$ 1,580,000 for staff posts per year. Resources will also be needed for contractual translation of the voluminous website content currently provided in English only. The contractual translations will amount to an initial one-off cost of approximately US$ 310,000 to translate existing material and subsequently US$ 435,000 per year. Future annual needs amount to US$ 2,015,000 per year. Also, the OHCHR website needs to be made accessible for persons with disabilities, which has not been costed to date.

Recommendations

To States parties

- To positively consider the allocation of the necessary resources for the establishment of a Communications position and maintenance of the OHCHR website in all official United Nations languages.
- To systematically translate the treaty bodies' outputs including decisions on individual communications in national and local languages and ensure their wide dissemination through appropriate channels including through inclusion of treaty body case law in legal and judicial education.
- To make information on the procedures of the treaty bodies including on individual communications available in an easily understandable and readily accessible format, including for persons with disabilities and children, and in national and local languages.
- To consider, at the national level, making legal assistance available to alleged victims of human rights violations who wish to submit a complaint under one of the treaty body individual communications procedures, which would enhance the quality of submissions.

To other UN entities

- To make the best possible use of tools available to widely disseminate the treaty bodies' outputs and assist States in their implementation.
- To act as a relay between the treaty bodies and national actors, inter alia, by disseminating widely treaty bodies' outputs and information on opportunities of interaction with the system.
- To assist States parties and other stakeholders in adopting a coordinated approach towards the implementation of human rights bodies and mechanisms' recommendations in a structured way.

To other stakeholders

- NHRIs should contribute to the broad publication and dissemination of treaty bodies' outputs.
- Civil society actors should encourage and support, when possible, the dissemination of information by the State to all relevant actors and support public awareness thereof.

Conclusions: The Way Forward

We stand at a critical juncture. To appreciate it fully, let us take a step back in time to recall the foresight and courage of the drafters of the treaties who established this extraordinary system of legally binding commitments by States undertaken voluntarily in the interest of their own people. The treaties codify universal values and establish procedures to enable every human being to live a life of dignity. By accepting them, States voluntarily open themselves to a periodic public review by bodies of independent experts. But by resigning ourselves to the "inevitability" of non-compliance and inadequate resources, the system was left to suffer a long history of benign neglect to the point where, today, it stands on the verge of drowning in its growing workload, even when leaving aside the shocking fact that at average 23 % of States parties to one treaty have never engaged in the review procedure of that treaty.

We cannot let this be. That is why in 2009 I launched a process of reflection among all stakeholders on how the system can be strengthened, and I am overwhelmed by the results. We now have a wealth of proposals, some grand and some small, that present a blueprint for a way forward. In my report, I present a package of proposals, each ready to be implemented on its own but which if taken together would bring many times the returns we could have expected from the sum of each. The functioning of the treaty bodies would be strengthened indeed, as would the ability of State parties to meet their obligations, and ultimately, the access to the system by rights-holders, who are the ultimate beneficiaries.

It is clear now more than ever that strengthening depends on States parties, treaty bodies and my Office making the decisions within their respective authorities and in coordination with each other. To enable the system to function properly, all must do their part. In concrete terms, this means that there are very important decisions to be taken by each — even in the midst of a financial crisis. I am optimistic. With the General Assembly seized of the matter, and treaty body experts willing to move forward towards a fully effective system, the momentum for change exists. Let us not lose the moment, for the system requires action, and action now. I count on your commitment in reaching our common goal and I pledge to support you in this endeavour.

Navi Pillay
High Commissioner for Human Rights
June 2012

Annex

Costing of Proposals of Section 4

4.1. The Comprehensive Reporting Calendar

The proposal was costed:

1. Presuming strict adherence to page limitations under the traditional reporting process or Simplified Reporting Procedure, as well as for the length of concluding observations etc. (i.e. the ideal case scenario) and for an average number of annual submissions of Common Core Documents;

2. Including meeting time for the constructive dialogue with the State party as well as for interaction between the committees and national human rights institutions, civil society organizations as per the suggested Aligned Model for Interaction and time for the adoption of concluding observations in plenary.

3. Conference servicing costs were estimated using the standard model, which assumes that additional capacity is provided through recruitment of freelance staff, which will prove problematic and expensive to implement, given that there are not enough qualified freelancers available on the market. Once decisions are taken on this report, alternate lower cost capacity, such as contractual translation and workload sharing across the conference servicing duty stations, will be investigated, leading to a more detailed proposal for a mix of permanent staffing, freelancers, and contractual translation.

Costs of proposal

(In millions of USD)	2012	On an annual basis
Travel of experts/ RB	6,8	12
Staff costs/ RB	8,8	34 additional staff at the P-3 level at USD 6.9 million
Staff costs/ XB	4,8	and additional 9 GS at USD 1.7 million
		Additional requirement (versus current RB allocation): USD 8,6 million
		Total staff cost[54] of the proposal: 17
Conference Services	36	79
		(including 15 million for summary records and the 15.8 million listed below for additional Conference Services staff)
		Estimate to be refined to reflect most effective mix of translation modes (i.e. off-site, contractual, workload sharing, freelance, permanent capacity)

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[54] 68 P3s (USD13.7 million) and 18 GSs (USD3.3 million), i.e. excluding the Director, Chiefs of Section, P-4 Secretaries of the Committees.

Costs of proposal		
Additional Conference Services staff	-	**Projected permanent capacity:** **For meetings:** **[illegible]e additional 20-person team of interpreters (6 P-5s, 6 P-4s, and 8 P-3s), additional conference room officers (5 GSOL)** **For documentation:** **6 P-5s for quality control of contractual and in-house translation; 6 P-4s for revision; 18 P-3s for translation; plus GS staff text processors (18 GSOL), document controllers (3 GSOL), and reference assistants (3 GSOL); and additional editing staff (3 P-4s, 3 P-3s)** **15.8 million (included in overall estimate of 79 million above)**
Additional conference rooms facilities	-	**Not yet costed** **(to be integrated into Strategic Heritage Plan (SHP) for Palais des Nations)**
Total	**56,4**	**108**

Other options could include:

1. Alternative reporting cycles of e.g. 7 years, relaxed from the 5-year cycle, to reduce the annual requirements for meeting time, documentation, etc. a 7-year cycle, for example, would require an increase amounting to USD 21 million instead of USD 52 million under the five-year cycle.[55]

2. As proposed in the report of the Secretary-General to the General Assembly in 2011 (A/66/344), the system could be brought up to date through eliminating the current backlogs in a single ad hoc exercise, should the Calendar not be adopted. This proposal would entail the review of the 269 State party reports and 460 individual communications pending review in 2012, require additional meeting time and staff. Such an exercise would cost more than the estimated annual cost of the five-year Calendar. It would not be possible to implement it over one year but could take two or more years, during which time new reports and communications would continue to be received. This option would ease the pressures on the system today, but would allow a continuation of the unequal compliance by and treatment of States parties. By not granting the treaty bodies a permanent increase in meeting time there would soon be a built-up of another backlog; in other words, this option would fall short of providing a comprehensive solution. Under this option, it would remain important that a comprehensive review of the workload of the treaty bodies be undertaken regularly to factor in the evolving resource requirements of the treaty bodies. To clearly establish the costs, an updated review of the current backlogs should be undertaken once decisions are taken on this report.

3. If the status quo were to be maintained and as demonstrated through a workload study undertaken in 2010, which found a 30% gap between the number of

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[55] Total budget of 5 year cycle: 540 (108*5)/ Spread over 7 years: 77 per year (ignoring time value of money)/Current annual budget (RB+XB): 56. Increase: 21 (77-56)

Human Rights Officers required to support treaty body sessions and the number in place (RB and XB posts), HRTD faces a shortfall of some 13 P-3 staff (at an estimated USD 2.6 million annually). To clearly establish the appropriate number of posts to provide an adequate level of support today, an updated review of the current and projected workload should be undertaken once decisions are taken on this report.

4.2. The simplified and aligned reporting process

The proposals contained in this chapter can be achieved through the alignment of working methods by the treaty bodies and do not require additional resources. On the contrary, some of these proposals could release capacity that could be directed to the translation of other documents of the treaty bodies and thereby improve the timeliness of documentation issuance.

4.2.1. "Simplified Reporting Procedure" (SRP)

This proposal represents a potential saving for both States parties and the United Nations. To date, the List of Issues prior to reporting has led to shorter States reports. However, at the initial phase of the procedure additional temporary human resources are needed to **support the drafting of more SRP questionnaires by committees. To clearly establish the appropriate number of posts to provide an adequate level of support, an updated** review of the current and projected workload should be undertaken once decisions are taken on this report.

4.2.2. Submission of Common Core Documents and regular updates

This proposal has a potential for savings. The submission of CCDs as well as regular updates, as needed, and at least every five years along the cycle of the Comprehensive Reporting Calendar, will allow for shorter and more targeted treaty specific documents and consequently more focused concluding observations (see below under 4.2.4.). If a CCD update is submitted in the form of an addendum to the original CCD (see below under recommendations to States parties), this will imply savings also with respect to the processing and translation of such an update (i.e. translation of a few pages of an addendum instead of translation of a full revised CCD).

4.2.3. Strict adherence to page limitations

This proposal leads to savings. Had page limits been respected, in 2011 an estimated amount of USD 5,5 million in translation capacity could have been directed to the translation of other documents of the treaty bodies and thereby improve their timely issuance.

4.2.4. Aligned methodology for the constructive dialogue between States parties and treaty bodies

The proposal can be implemented without the requirement of additional resources.

4.2.5. Reducing translation of summary records

Any measures to reduce the number of languages in which summary records are currently being issued would release documentation processing capacity and improve timely issuance rates for translated documentation to the treaty bodies. If for example under the Comprehensive Reporting Calendar, summary records are prepared in only one language for a limited number of meetings and replaced by webcasting for all public meetings, there would be a very high potential cost saving in relation to the USD 15 million costed annually for summary records in 3 languages under the 5 year cycle- off-set by the costs for webcasting.

4.2.6. Formulation of focused treaty body concluding observations

The proposal has a potential for savings, as more focused concluding observations should naturally lead to a reduction in the number of pages requiring translation which would release capacity that could be directed to the translation of other documents of the treaty bodies and thereby improve their timely issuance.

4.2.7. Further institutionalization of engagement with other United Nations partners

The proposals in relation to the amendments to working methods can be implemented without the requirement of additional resources. Any further implications in country programs and work plans should be considered by each UN entity and/or UN County Team.

4.2.8. Aligned model of interaction between treaty bodies, national human rights institutions and civil society organizations

This model can be accommodated under the current allocation of resources as well as under the Comprehensive Reporting Calendar without requiring additional resources.

4.3. Proposals to strengthen the individual communications procedures, inquiries and country visits

4.3.1. Creation of a joint treaty body working group on communications

The proposal would be essentially cost neutral if the existing 5 weeks of meeting time for the Human Rights Committee and CEDAW were transformed into meeting time for such a joint Working Group in which one expert per treaty body would participate.

4.3.2. Review of good practices regarding the application of rules of procedure and methods of work and adoption of common guidelines

The proposals can be implemented without the requirement of additional resources.

4.3.3. Establishment of a treaty body case law database including information on follow-up to individual cases

The hiring of an IT consultant and a data entry clerk under this project, initially for 9 months each (estimated cost: USD 93,000), as well as setting aside

dedicated capacity of one staff member at the P-3 level for 6 months annually (USD101,000 annually).

4.3.4. Exploring the treaty body's role with respect to friendly settlements and amicus briefs

The proposal can be implemented without the requirement of additional resources.

4.3.5. Enhancing the capacity of the Subcommittee on Prevention of Torture

Two additional staff (1 P-3 and 1 P-2) are necessary, at a cost of USD 361,000 per year.

4.4. Proposals to strengthen the independence and expertise of treaty body members

4.4.1. Guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions

The proposal can be implemented without the requirement of additional resources.

4.4.2. Adoption of national policies and processes with respect to the nomination of experts to the treaty bodies

The proposal can be implemented without the requirement of additional resources.

4.4.3 Information and guidance note on expectations, availability and required workload, and centralised treaty body elections website

The proposal can be implemented without the requirement of additional resources.

4.4.4 An open public space for all States parties to present their potential candidates or nominees for treaty bodies

This proposal would require the dedicated attention of one staff member at the P-4 level, supported by a GS staff member, for a total of 6 months annually to support the forum (cost: USD210,000 per year).

4.5. Proposals to strengthen capacity to implement the treaties

4.5.1. The treaty bodies' follow-up procedures

Follow-up procedures are resource intensive on staff and are currently under-resourced but a costing is dependent on how the treaty bodies further evolve the procedure.

4.5.2. Aligned consultation process for the elaboration of General Comments/ General Recommendations

The proposal can be implemented without the requirement of additional resources.

4.5.3. Reporting capacity building activities

Capacity building activities, including reporting training workshops, have varying costs depending on the location, format and number of participants. Whenever possible and according to funding levels, technical assistance and capacity building is foreseen within OHCHR's existing work plans in countries where the Office has a presence and at headquarters (also through the UPR Trust Fund to facilitate follow-up on UPR recommendations, including on treaty ratification and reporting).

4.5.4. A Standing National Reporting and Coordination Mechanism

The proposal can be implemented without the requirement of additional resources.

4.6. Proposals to enhance the visibility and accessibility of the treaty bodies

4.6.1. Introducing webcasting & videoconferencing to enhance the accessibility and visibility of treaty bodies at country level

Webcasting

Under the responsibility of the United Nations Office at Geneva and the Information Service of the Department of Public Information, the establishment of a permanent webcasting capacity that would enable the webcasting of all treaty body meetings was estimated in 2008 to entail around USD 700,000 in infrastructure/ equipment costs, plus around USD 900,000 in annual recurring costs. Given changes in technology since that time, it would be necessary to conduct a thorough review to determine the precise requirements to set up such a capacity now. While some reduction in costs may thus be possible, the previous review provides an indication of the requirement, which would be much lower than the cost of producing summary records of a meeting. Considering the fact that it may be possible in the future to generate automatic transcripts of the proceedings, treaty bodies may wish to consider replacing summary records by webcasting. In this case, webcasting would constitute a savings opportunity.

Videoconferencing

Videoconferencing, once established could save costs for States in relation to travel expenses. Having said this, the establishment of videoconferencing facilities still needs to be costed.

4.6.2. Other measures to enhance the visibility and accessibility of the treaty body system

The establishment of one post at the P-3 level would be required for a Communication Officer, at an annual cost of USD 202,000.

Translating and maintaining the OHCHR website (which includes the treaty body related webpages) in all six official United Nations languages will require the recruitment of six Web Content Managers (P-3) at an annual cost of about

US$ 1,212,000 and five Content Management Assistants (GS), at an annual cost of US$ 368,000 totalling approximately US$ 1,580,000 for staff posts per year.

Resources will also be needed for contractual translation of the voluminous website content presently provided in English only. The contractual translations will amount to an initial one-off cost of approximately US$ 310,000 to translate existing material and subsequently US$ 435,000 per year. Future annual needs amount to US$ 2,015,000 per year.

Also, the website needs to be made accessible for persons with disabilities, which has not been costed to date.